

THE CORPORATION OF THE TOWNSHIP OF SCUGOG

BY-LAW NUMBER 34-19

BEING A BY-LAW TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF
COUNCIL OF THE TOWNSHIP OF SCUGOG AND ITS LOCAL BOARDS

WHEREAS section 11 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended, authorizes municipalities to enact by-laws regarding Accountability and Transparency of the municipality and its operations.

AND WHEREAS Sections 9, 10, 11, and subsection 223.2(1) of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended, authorizes municipalities to establish a code of conduct for the Members of Council.

AND WHEREAS Sections 9, 10, 11, and subsection 223.3(1) of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended, authorizes municipalities to appoint an Integrity Commissioner who reports to Council and who is responsible for performing in an independent manner the functions assigned by the municipality including the application of the code of conduct for Members of Council.

AND WHEREAS the Council of the Corporation of the Township of Scugog deems it advisable to adopt a Code of Conduct for Members of Council for the purpose of identifying expectations of Council Members and establishing guidelines for appropriate conduct.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SCUGOG enacts as follows:

THAT the Code of Conduct for Members of Council set out in Schedule 'A' attached hereto and forming part of this by-law is hereby adopted.

THAT this By-law shall come into full force and effect on March 1, 2019.

THAT By-laws 86-17 and 08-18 are repealed.

Read a First, Second and Third time and finally passed this 25th day of March, 2019.

MAYOR, Roberta A. Drew

CLERK, John Paul Newman

Schedule “A” to By-Law Number 34-19

Code of Conduct for Members of Council

1. Purpose

- 1.1. The purpose of this Code of Conduct is to establish a minimum standard for the behaviour of Members of Council in fulfilling their mandate while respecting each Member of Council’s role to represent the public and the public interest to the best of their ability.
- 1.2. Improving the quality of municipal administration and governance can best be achieved by encouraging high standards of conduct on the part of all municipal officials. In particular, the public is entitled to expect the highest standards of conduct from the Members whom they elect to local government. In turn, adherence to these standards will protect and maintain the Township’s reputation and integrity.

2. Principles of Interpretation

- 2.1. The rules found below shall be interpreted in a manner consistent with the principles that Members shall:
 - a) Serve and be seen to serve their constituents in a conscientious and diligent manner;
 - b) Be committed to performing their functions with integrity and avoiding the improper use of the influence of their office and conflicts of interest;
 - c) Perform their duties in office in a manner that promotes public confidence and that will bear close public scrutiny;
 - d) Recognize and act upon the principle that democracy is best achieved when the operation of government is made as transparent and accountable to members of the public as possible; and
 - e) Seek to serve the public interest by upholding both the letter and spirit of the laws of Parliament and the Ontario Legislature, as well as the by-laws and policies adopted by the Council.

3. Definitions

In this Code of Conduct:

- 3.1. "bullying" means any act(s) or written or spoken words intended to intimidate, harass, threaten, coerce or aggressively dominate a person or to cause physical harm to a person or his or her property and may be divided into four types of abuse - emotional, verbal, physical and cyber;
- 3.2. "child" means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;
- 3.3. "Code of Conduct" means this Code of Conduct for Members of Council and other rules which govern the conduct of Members established pursuant to the authority of sections 9, 10, 11 and subsection 223.2(1) of the *Municipal Act*, 2001, S.O. 2001, c. 25;
- 3.4. "complaint" means a written request to investigate the conduct of any Member for a possible violation of the Code of Conduct filed in accordance with the Complaint Procedure;

- 3.5. "confidential information" means any information in the possession of, or received in confidence by, the Township that the Township is prohibited from disclosing or has decided to refuse to disclose under the *Municipal Act*, 2001, S.O. 2001, c. 25 and/or the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, or any other law, which includes, but is not limited to:
- a) Information addressed in subsection 223.5 (1) *Municipal Act*, 2001, S.O. 2001, c. 25;
 - b) any information considered by or made available to Council during a closed meeting pursuant to subsection 239(2) of the *Municipal Act*, 2001, S.O. 2001, c. 25;
 - c) information of a corporate, commercial, scientific, or technical nature received in confidence from third parties;
 - d) personal information as defined in subsection 2(1) of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56;
 - e) information that is subject to solicitor-client privilege;
 - f) information that concerns any confidential matters pertaining to matters related to an identifiable individual, personal, labour relations, litigation, property acquisition, the security of the property of the municipality or a local board; and,
 - g) any other information lawfully determined by the Council to be confidential, or required to remain or be kept confidential by legislation or order.
- 3.6. "Council" means the council of the Township of Scugog;
- 3.7. "gift or benefit" means anything of value including but not limited to cash or monetary equivalent, fee, object of value, service, meal, travel, accommodation or entertainment;
- 3.8. "harassment" means any course of vexatious comment or conduct relating to any of the prohibited grounds identified in the Ontario Human Rights Code that is known or ought reasonably to be known to be unwelcome and any course of vexatious behaviour that is outside of the prohibited grounds identified in the Ontario Human Rights Code that is persistent hostile or unwanted conduct, verbal comments, actions or gestures that affect a person's dignity, psychological or physical integrity that is known or thought reasonably to be known, to be unwelcome;
- 3.9. "information" includes information that is communicated orally and other information that is not recorded as well as any record, video, picture, sound recording, document, data, material, correspondence, or evidence however recorded, whether in printed form, on film, by electronic means or otherwise;
- 3.10. "Integrity Commissioner" means the Integrity Commissioner appointed by the Council pursuant to section 223.3 of the *Municipal Act*, 2001, S.O. 2001, c. 25;
- 3.11. "intimidation" means an intentional behaviour that would cause a person of ordinary sensibilities to fear injury or harm;
- 3.12. "lobby" means to communicate with a Member in an attempt to influence a decision (including a future decision) of the Municipality, of Council, or of a

committee of Council and “Lobbying” and “Lobbied” have corresponding meanings;

- 3.13. “lobbyist” means any individual or entity that Lobbies, except an individual acting without compensation or expectation of compensation and an individual acting on the individual’s own behalf;
- 3.14. “local board” means any local board established by the Township of Scugog which meets the criteria outlined in the Municipal Act, which currently includes the Port Perry Business Improvement Area (BIA), Heritage Advisory Committee, Accessibility Advisory Committee and Committee of Adjustment;
- 3.15. "member" means a member of the Council of the Township of Scugog or local board, unless the context otherwise requires;
- 3.16. "parent" means a person who has demonstrated a settled intention to treat a child as a part of his or her family;
- 3.17. "person" includes a corporation, partnership, association, and any other entity, as the context allows and expressly includes Staff and a Member as well as Council;
- 3.18. “personal information” means recorded information about an identifiable individual as defined in subsection 2(1) of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56;
- 3.19. "sexual harassment" means any unwelcome conduct of a sexual nature including but not limited to:
 - a) Any deliberate and unsolicited sexual comment, suggestion or physical contact that creates an uncomfortable working environment for the recipient and is made by a person who knows or ought reasonably to know that such action is unwelcomed.
 - b) A sexual advance or solicitation made by a person where the person making the advance or solicitation knows or ought reasonably to know that it is unwelcome.
 - c) A reprisal or threat for the rejection of a sexual solicitation or advance where the reprisal or threat is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.
 - d) Unwelcome remarks, jokes, sexual innuendoes, or taunting about a person’s body, attire, sex, personal or social life.
 - e) Practical jokes of a sexual nature, which cause awkwardness or embarrassment.
 - f) Displaying and/or distributing pornographic pictures or other offensive material of a sexual nature, either through printed copy or personal computer.
 - g) Leering (suggestive staring) or other gestures.
 - h) Unnecessary physical contact such as touching, patting or pinching.
 - i) Expressions of gender bias, which may include remarks that are discriminatory, degrading or derogatory.
 - j) Requests for sexual favours.
 - k) Sexual assault

- 3.20. "Scugog", "Township" or "Municipality" or any combination thereof means The Corporation of the Township of Scugog;
- 3.21. "spouse" means a person to whom a person is married or with whom the person is living in a conjugal relationship outside marriage; and,
- 3.22. "staff" means the municipal administrative Staff of the Township and of its municipal corporations and local boards.

4. Application of this Code

- 4.1. This Code of Conduct applies to every member.

5. Compliance with Declaration of Office

- 5.1. Every member shall comply with the promises contained in the declaration of office taken pursuant to section 232 of the *Municipal Act*, 2001, S.O. 2001, c. 25, in that each and every member does solemnly promise and declare that:
 - a) I will truly, faithfully and impartially exercise this office to the best of my knowledge and ability.
 - b) I have not received and will not receive any payment or reward, or promise thereof, for the exercise of this office in a biased, corrupt or in any other improper manner.
 - c) I will disclose any pecuniary interest, direct or indirect, in accordance with the Municipal Conflict of Interest Act.
 - d) I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (or the reigning sovereign for the time being).
- 5.2. For greater certainty, breach of a promise made in the declaration is a contravention of this Code of Conduct.
- 5.3. In the case of a member of a local board, the terms of their appointment.

6. Adherence to Council Policies and Procedures

- 6.1. Every Member shall observe and comply strictly with every provision of this Code of Conduct, as well as all other policies and procedures adopted or established by Council affecting the member, whether or not acting in his or her capacity as a member.

7. Timing for Inquiries and Reports

- 7.1. If the Integrity Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act*, 1996, S.O. 1996, c. 32, Sched., the Integrity Commissioner shall terminate the inquiry on that day. If an inquiry is terminated the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six (6) weeks after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act*, 1996, S.O. 1996, c. 32, Sched., the person or entity who made the request or the Member whose conduct is the subject matter of the request, makes a written request to the Integrity Commissioner that the inquiry be commenced. No inquiry respecting a former Member may be commenced.
- 7.2. Between Nomination Day and Voting Day in a regular election:

- a) There shall be no requests for an inquiry, and the Integrity Commissioner shall not accept any requests for an inquiry, respecting whether a Member has contravened the Code of Conduct;
- b) The Integrity Commissioner shall not report to Council on whether a Member has contravened the Code of Conduct; and,
- c) Council shall not consider whether to impose penalties on a Member.

8. Conduct at Meetings

- 8.1. Every Member shall conduct himself or herself properly and in a civil manner at Council, committee, and other meetings and in accordance with the provisions of the Township's Procedure By-law, this Code of Conduct and any other applicable law.
- 8.2. A contravention or alleged contravention of this section shall be handled by the presiding officer of the meeting and not by the Integrity Commissioner.
- 8.3. A contravention or alleged contravention, during a meeting, of sections 9 or 10, shall be first addressed by the presiding officer who shall call the offending member to order and, if appropriate, seek withdrawal of the comment or an apology or take such other action as the presiding officer deems fit.
- 8.4. Except as provided below, the Integrity Commissioner has no jurisdiction over a complaint under section 8.1. In the case of a complaint, arising from a meeting, under section 9 or 10, the Integrity Commissioner shall consider the complaint only if the contravention was not addressed by the presiding officer or if the contravention was so serious that further action by the Integrity Commissioner is warranted.
- 8.5. Exception: If Council, based on the report of a presiding officer or other information satisfactory to Council, determines that a contravention of this section, or a contravention at a meeting of sections 9 or 10, has occurred then the Integrity Commissioner may, if requested by Council, make a recommendation on penalty or such other recommendations as may be responsive to Council's request.

9. Conduct Respecting Others

- 9.1. Every member has the duty and responsibility to treat all members of the public, other members, and all staff without abuse, bullying, or intimidation and to ensure that the work environment is free from discrimination and harassment.
- 9.2. No member shall:
 - a) use indecent, abusive, or insulting-words or expressions toward any other member, any staff, or any member of the public;
 - b) speak in a manner that is discriminatory to any member, staff, or any member of the public, based on that person's race, ancestry, place of origin, creed, gender, sexual orientation or gender identification, age, colour, marital status, or disability; or,
 - c) Harass, abuse, bully, threaten, or intimidate any other members, any staff, or any member of the public.

10. Conduct Respecting Staff

- 10.1. Every member acknowledges that staff operate under the direction of the senior municipal administration and in accordance with the decisions of Council and

are required to serve the Township as a whole, not the needs or desires of any individual member. Staff of the BIA are required to serve the BIA.

10.2. Every member shall:

- a) Be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from any member or group thereof; and
- b) Show respect for staff and for their professional capacities and responsibilities.

10.3. No member shall:

- a) Maliciously or falsely injure or impugn the professional or ethical reputation of any member of staff;
- b) Compel any member of staff to engage in partisan political activities or subject any member of staff to threat or discrimination for refusing to engage in any such activity;
- c) Use, or attempt to further, his or her authority or influence by intimidating, harassing, bullying, threatening, coercing, or commanding any staff member in a manner which interferes with any staff members duties, including the duty to disclose improper activity; and,
- d) Improperly influence any staff member.

11. Gifts, Benefits, Services and Hospitality

11.1. A Gift or Benefit 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 or Benefit to the member if provided with the member's knowledge or solicited by the member.

11.2. In order to preserve the image and integrity of the Township, business gifts to members are discouraged. The Township recognizes that moderate hospitality is an accepted courtesy of a business relationship. However, a Member shall not solicit or accept any Gift or Benefit that:

- a) Is intended to influence, might influence or could reasonably be perceived that it might influence or is intended to influence, the member in the performance of the member's duties as an elected official; or
- b) Is intended, or could reasonably be perceived that it is intended, as a reward for any action or impending action by the member.

11.3. Despite section 11.2 a member may accept the following:

- a) A political contribution offered, accepted and reported in accordance with applicable law.
- b) Food or beverage, of reasonable value, at a banquet, reception ceremony or similar event that the member attends for a legitimate municipal purpose.
- c) A Gift or Benefit that is received as an incident of protocol or social obligation that normally and reasonably accompanies the responsibilities of office.

- d) A token gift such as a souvenir, memento or commemorative gift that is given in recognition of service on a committee, for speaking at an event, or for representing the Municipality at an event.
 - e) A communication to the office of a member, including a subscription to a newspaper or periodical.
 - f) A service provided by a person volunteering time without compensation.
 - g) Food, lodging, transportation or entertainment lawfully provided by a government (federal, provincial, local or foreign) or government agency, or by a not-for-profit organization whose members are governments or government agencies (examples of such a not-for-profit organization include the Canadian Association of Nuclear Host Communities and the Federation of Canadian Municipalities).
 - h) Food, lodging, transportation or entertainment lawfully provided by the organizer of a conference, seminar, charity fundraiser, reception, ceremony, cultural event, sporting event, business, or political event where the member is speaking or attending in an official capacity.
 - i) An invitation from and at the expense of a private third party to attend a conference, seminar, charity fundraiser, reception, ceremony, cultural event or other similar event where the proceeds raised are to support a not-for-profit or charity organization provided that the member is not lobbied at the event.
 - j) Reimbursement of a reasonable expense incurred, or an honorarium received, in the performance of activities connected with a public authority, or a municipal association, agency, board or corporation, including a corporation of which the Municipality is a shareholder or member.
 - k) A sponsorship or donation for a community event organized or funded by a member, or a third party on behalf of a member, subject to the limitations set out in any applicable policy of the Municipality.
 - l) Compensation authorized by Council or law.
- 11.4. This section does not preclude a member from soliciting funds or donations in support of a charitable or philanthropic cause, organization, or charity provided that all funds or donations are provided directly by the donor(s) to the recipient organization or charity.
- 11.5. The attendance at public functions is considered a legitimate part of a Member's role. The object of this rule is not to prohibit members from participating in events in their community, but rather to provide transparency around the receipt of gifts and/or benefits.
- 11.6. If the refusal of any gift and/or benefit will strain the Township's business relationship, the Mayor and/or Chief Administrative Officer may accept it on behalf of the municipality with the appropriate acknowledgement. Generally, the Mayor and/or Chief Administrative Officer will be the official recipient of those gifts afforded to the Township for ceremonial, symbolic, protocol, or official business purposes. Members will turn over such a gift and/or benefit to the Mayor and/or Chief Administrative Officer and it shall become the property of the Township. Wherever possible, ceremonial, symbolic, protocol or official business gifts should be presented at a meeting of Council;
- 11.7. Despite section 11.3 a member may not accept any gift or benefit from a lobbyist.

Maximum Acceptable Value

- 11.8. Despite anything else in this Code, a member shall not accept a Gift or Benefit of value greater than \$500 and shall not accept from a single source during a 12-month period, Gifts and Benefits of total value greater than \$500. This dollar-limit does not apply to an item described in subsection (a), (g), (h), (i), (j) or (l) of section 11.3.

Public Disclosure

- 11.9. A member who receives a gift or benefit of value greater than \$200 or receives from a single source during a 12-month period gifts and / or benefits of total value greater than \$200, shall within 30 days of receipt file a disclosure statement with the Township Clerk.
- 11.10. No disclosure statement is required for an item described in paragraph (a), (b), (f) or (l) of section 11.3 or for reimbursement of reasonable expenses incurred in the performance of their office that are in accordance with any Council Expense or Mileage Expense Policy of the Township or approved in the Township's budget.
- 11.11. The disclosure statement shall set out:
- a) The nature of the gift and/or benefit;
 - b) Its source
 - c) Date of receipt;
 - d) The circumstances under which gift of benefit was given and received;
 - e) Its estimated value;
 - f) What the recipient intends to do with the gift or benefit; and
 - g) Whether the gift or benefit will at some point be provided to the municipality.
- 11.12. Every disclosure statement shall be made a public record and posted on the Township's website.

Recommendations of Integrity Commissioner and Authority of Council

- 11.13. In a report on a Complaint that relates to a gift of benefit, in addition to the range of recommendations otherwise provided under this Code, the Integrity Commissioner may recommend and upon consideration of the Integrity Commissioner's report the Council, in addition to its other powers under this Code, may impose, one or more of the following remedies:
- a) That the member be directed to return the gift or benefit.
 - b) That the member be directed to reimburse the donor for the value of a gift or benefit already consumed.
 - c) That the member forfeit the gift or benefit to the Township.
 - d) That the member be directed to remit to the Township the value of a gift or benefit already consumed.

12. Confidential Information

12.1. No Member shall:

- a) Disclose, release or publish by any means to any person or to the public any confidential information acquired by virtue of his or her office, in any form except when required or authorized by Council or otherwise by law to do so;
- b) Use confidential information for personal or private gain or benefit or for the personal or private gain or benefit of any other person or body except when authorized by Council or otherwise by law to do so;
- c) Disclose a matter, the substance of a matter, and information pertaining to a matter, that has been debated or discussed at a meeting closed to the public, and shall be maintained as confidential, unless authorized by the Council or legislation to be released generally or subject to conditions and such conditions are complied with;
- d) Disclose the content of any matter referred to in the preceding paragraph or the subject-matter of deliberations, at a meeting closed to the public, until after the Council or committee lawfully and knowingly discusses the information at a meeting that is open to the public or releases the information to the public;
- e) Without limiting the generality of the foregoing, disclose or make personal use of, any of the following types of confidential information without lawful authority:
 - i. Information concerning litigation, negotiation, or personnel matters received in confidence;
 - ii. Information received in confidence, the publication of which may infringe on the rights of any person (e.g. source of a complaint where the identity of a complainant is given in confidence),
 - iii. Price schedules in any contract, tender, or proposal document while such remains a confidential document,
 - iv. Information deemed to be "personal information" under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56; and,
 - v. Any other information or statistical data required by law not to be released.and,
- f) Obtain access or attempt to gain access to confidential information in the custody of the Township except to the extent that such access is necessary for the performance of his or her duties and such access is not prohibited by Council or otherwise by law.

13. Use of Township Property, Services, and Other Resources

13.1. Subject to section 13.2 below, no member shall:

- a) Use, or permit the use of, Township land, facilities, equipment, supplies, services, Staff, or other resource, including any Township-owned information, website, official Township logo, transportation delivery service, or funds allocated for member expenses of his or her office, for any purpose or activity other than the lawful business of the Township; or

- b) Seek or acquire any personal financial gain from the use or sale of confidential information, or of any Township-owned intellectual property including any invention, creative writing or drawing, computer program, technical innovation, or any other information or item capable of being patented or copyrighted, of which property remains exclusively that of the Township.

13.2. Incidental and occasional personal, non-commercial use of email and/or internet and a personal communication device as described in any IT Policy of the Township is permitted.

14. Conduct of Election Campaign

14.1. No member shall:

- a) Use confidential information, facilities, equipment, supplies, services, or other resources of the Township, including any member newsletter or website linked through the Township's website, for any election campaign or campaign-related activity;
- b) Undertake campaign-related activities on municipal property unless authorized by the Township; or,
- c) Use the services of any person for election-related purposes during hours in which that person receives any compensation from the Township.

15. No Improper Use of Influence

15.1. No member shall:

- a) Use the influence of his or her office for any purpose other than for the lawful exercise of his or her official duties and for Township purposes;
- b) Use his or her office or position to influence or attempt to influence the decision of any other person for the member's private benefit or the private benefit of the member's parent, child, spouse, other family member, staff, friend, or associates, business or otherwise, beyond activities in which members normally engage on behalf of their constituents as part of their official duties;
- c) Attempt to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties; or,
- d) Hold out the prospect or promise of future advantage through the member's position or supposed influence within Council, in return for any action or inaction.

15.2. For the purposes of this provision, "private benefit" does not include a matter that:

- a) Is of a general application;
- b) Affects a member, his or her parents, children, spouse, Staff, friends or associates, business or otherwise, as one of a broad class of persons; or
- c) Concerns the remuneration or benefits of a member.

15.3. Section 15.1 does not prevent a member from requesting that Council grant a lawful exemption from a Township policy not including this Code of Conduct.

16. Communications and Media Relations

- 16.1. Members shall accurately communicate the decisions of Council at all times and shall show respect for the decision-making process of Council.
- 16.2. Official information related to decisions and resolutions of Council and its boards and committees shall be communicated to the public and the media in an official capacity by the Mayor or designated Staff member or through a press release issued by the Manager of Communications and Strategic Initiatives or their designate. Members shall not issue their own press release prior to the official press release issued by the Township.

17. No Reprisal or Obstruction in the Application or Enforcement of this Code

- 17.1. Every member shall respect the integrity of the Code of Conduct and inquiries and investigations conducted under it and shall cooperate in every way possible in securing compliance with its application and enforcement.
- 17.2. No member shall obstruct the Integrity Commissioner, his or her designate, or any other Township official involved in applying or furthering the objectives or requirements of the Code of Conduct, in the carrying out of such responsibilities, or pursuing any such objective.
- 17.3. No member shall undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person under the Code of Conduct.
- 17.4. The filing of an unfounded Code of Conduct complaint by a member against another member is a contravention of this Code of Conduct by the first member.

18. Statutes Regulating the Conduct of Councillors

- 18.1. In the case of any inconsistency between this Code of Conduct and a federal or provincial statute or regulation, the statute or regulation shall prevail.
- 18.2. All references to any statute, regulation, by-law, or legislation shall be deemed to be a reference to the statute, regulation, by-law, or legislation as amended, consolidated, replaced or superseded from time to time.
- 18.3. A member may become disqualified and lose his or her seat by operation of law, including being convicted of an offence under the Criminal Code or the Municipal Elections Act, 1996, or being found to have failed to comply with the Municipal Conflict of Interest Act, whether or not the conduct in question involves a contravention of this Code of Conduct.
- 18.4. Should the Township's Integrity Commissioner receive a complaint or inquiry which he/she believes is a Durham Region matter, the Township's Integrity Commissioner will forward the request to the Durham Region Integrity Commissioner (if it's a different person).
- 18.5. Should an issue arise that is of joint responsibility for the Township and the Region of Durham, both the Integrity Commissioner for the Township and the Region of Durham and the Clerk's of the Township and the Region will work together to develop a process to resolve the matter and report the findings to both Township and Regional Councils.

19. Integrity Commissioner

- 19.1. The Integrity Commissioner shall be responsible for performing the following functions as assigned by the Township in an independent manner:

- a) The application of the Code of Conduct; and
 - b) The application of any procedures, rules, and policies of the Township governing the ethical behaviour of Members;
 - c) To maintain custody and control of the Integrity Commissioner's complaint and inquiry files and on completion of their term of appointment, to transfer open files relating to ongoing matters to the incoming Integrity Commissioner appointed by Council;
 - d) and without limiting the generality of the foregoing, shall be entitled to undertake investigations or not undertake investigations in accordance with provisions of Part V.1 of the *Municipal Act*, 2001, S.O. 2001, c. 25.
- 19.2. In addition to the responsibilities set out above, the Integrity Commissioner shall also provide:
- a) Information to Council as to members' obligations under the Code of Conduct and the Complaint Procedure;
 - b) Information to Council with respect to compliance with the requirements of the Municipal Conflict of Interest Act including with respect to declaring a conflict of interest and not using any influence where a matter is being considered by an officer or employee of the Township;
 - c) Advice to individual members regarding specific situations as they relate to the application of the Code of Conduct;
 - d) Advice to individual members regarding their obligations under the Municipal Conflict of Interest Act;
 - e) Advice to Council on other policies and procedures that relate to the ethical behaviour of Members;
 - f) General information to the public regarding the Code of Conduct and the obligations of members under the Code of Conduct and the Municipal Conflict of Interest Act;
 - g) An annual report to Council on the activities of the Integrity Commissioner; and
 - h) Notice to the Clerk when a complaint is received directly by the Integrity Commissioner.
- 19.3. Without limiting the generality of section 19, the Integrity Commissioner may determine, on a case-by-case basis, whether to undertake an investigation or not to undertake an investigation on whether a member has contravened the Code of Conduct or sections 5, 5.1 or 5.2 of the Municipal Conflict of Interest Act. The Integrity Commissioner shall be entitled to summarily dismiss a complaint filed in accordance with the Complaint Procedure on the basis that it constitutes in his or her opinion, an abuse of process or is frivolous or vexatious.
- 19.4. Without limiting the generality of section 19, all determinations of the Integrity Commissioner under the Code of Conduct shall be made in his or her own absolute discretion and shall be final and binding.
- 19.5. A request by a member for advice from the Integrity Commissioner shall be made in writing.
- 19.6. Where the Integrity Commissioner provides advice to a member, the advice shall be in writing. Any written advice given by the Integrity Commissioner to a

member binds the Integrity Commissioner in any subsequent consideration of the conduct of the member in the same matter as long as all the relevant facts known to the member were disclosed to the Integrity Commissioner. If new information regarding the same matter is provided to the Integrity Commissioner the original advice may be changed at the sole discretion of the Integrity Commissioner.

- 19.7. Where the Integrity Commissioner provides educational information to the public about the Township's Code of Conduct, the Integrity Commissioner may summarize advice he or she has provided, but shall not disclose confidential information that could identify a person concerned.
- 19.8. A final or interim report of the Integrity Commissioner regarding a complaint about a member's alleged contravention of the Code of Conduct shall be submitted to the Clerk who shall add it to the next Council meeting agenda, which includes a standing committee of Council such as the General Purpose and Administration or Planning and Community Affairs Committees, provided that the agenda for that meeting has not been posted.

20. Complaints

- 20.1. All complaints made pursuant to the Code of Conduct shall be filed in accordance with the Complaints Procedure attached as Appendix "A" to this Code of Conduct.

21. Inquiries

- 21.1. An elector or a person demonstrably acting in the public interest may apply in writing to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention of sections 5, 5.1 or 5.2 of the Municipal Conflict of Interest Act (MCIA).
- 21.2. The application must set out the reasons for believing that a member has contravened the aforementioned sections of the MCIA and include a statutory declaration attesting to the fact that the applicant became aware of the contravention not more than six weeks before the date of the application (or within the period of time starting six weeks before nomination day for a regular election and ending on voting day).
- 21.3. The Integrity Commissioner must complete the inquiry within 180 days after receiving the completed application, unless the inquiry is terminated.
- 21.4. Upon completion of the inquiry, the Commissioner may apply to a judge for a determination as to whether the member has contravened the aforementioned sections of the Act.
- 21.5. All requests for inquiry shall be filed in accordance with the Complaints Procedure in Appendix "A" attached hereto.

22. Advice

- 22.1. All requests for advice pursuant to the Code of Conduct shall be filed in accordance with the Advice Procedure in Appendix "D" attached hereto.

23. Penalties

- 23.1. Council may, where it has received a report from its Integrity Commissioner that there has been a violation of the Code of Conduct, impose one of the following penalties on a member who has been found to be in contravention of the Code of Conduct:

- a) A reprimand; or
 - b) Suspension of the remuneration paid to the Member in respect of his or her services as a member for a period of up to ninety (90) days.
- 23.2. For further clarification, if the Integrity Commissioner finds that the member has not contravened the Code of Conduct, Council cannot impose a penalty outlined above on that member. However, if the Integrity Commissioner finds that the member has contravened the Code of Conduct, Council may impose the penalty recommended by the Integrity Commissioner or any other penalty within the above described limits or impose no penalty at all.
- 23.3. If the complaint is regarding a member of a local board, Council may, at its sole discretion, remove the member from the local board or direct other corrective action, regardless of the report of the Integrity Commissioner. The decision of Council shall be by resolution.

24. Annual Reports

- 24.1. The Integrity Commissioner shall submit an annual report to Council which shall include at a minimum, information on the nature and volume of activity for the past year and provide examples, while maintaining the anonymity of the persons involved, in respect of advice provided and the nature of complaints received and responded to.
- 24.2. The annual report of the Integrity Commissioner shall be provided to Council for information purposes. The report is a public document.

**Appendix “A” to the
Township of Scugog – Code of Conduct
Complaint Procedure**

1. Procedure – Informal Complaint related to the Code of Conduct

- 1.1. Any person who believes that a member is in contravention of the Township of Scugog’s Code of Conduct may address their concerns in the following manner:
- a) Advise the member that their behaviour or activity contravenes the Code of Conduct;
 - b) Encourage the member to stop the prohibited behaviour or activity;
 - c) If applicable, confirm to the member their satisfaction or dissatisfaction with the member’s response to the concern identified; and,
 - d) Keep written records of the incidents including dates, times, locations, other persons present, and any other relevant information, including steps taken to resolve the matter.
- 1.2. If any person is not satisfied with the response received through the aforementioned informal process, the person may proceed with a formal complaint through the Integrity Commissioner as outlined in Section 3 of the Complaint Procedure.

2. Procedure – Formal Complaint related to the Code of Conduct

- 2.1. Any person who has reasonable grounds to believe that a member has contravened the Code of Conduct may address their concerns through the formal complaint process set out below:
- a) All formal complaints (“Complaints”) must be made using the Township’s Complaint Form (see Appendix “B”) and shall be dated and signed by the person making the Complaint (the “complainant”);
 - b) The Complaint must include an explanation as to why the issue raised may be a contravention of the Code of Conduct and any evidence in support of the allegation must be included with the Complaint Form;
 - c) Any witnesses in support of the allegation must be identified on the Complaint Form;
 - d) The Complaint Form must include the name of the Member alleged to have breached the Code of Conduct, the specific provision(s) of the Code of Conduct allegedly contravened, the date, time, and location of the alleged contravention(s), and any other information as required on the Complaint Form;
 - e) The Complaint shall be filed with the Integrity Commissioner or the Clerk who shall forward the Complaint Form to the Integrity Commissioner who shall determine whether the matter is, on its face, a Complaint with respect to non-compliance with the Code of Conduct and not covered by other legislation or policies; and,
 - f) The Complaint must be submitted to the Integrity Commissioner or the Clerk no later than six (6) months from the date on which the Complainant became aware of the alleged contravention and no action will be taken on a Complaint received after this deadline.

2.2. The Integrity Commissioner may request additional information from the Complainant in order to properly assess the Complaint.

2.3. A Complainant may at any time abandon a Complaint.

3. Response of Integrity Commissioner of Complaint outside Jurisdiction

3.1. If the Complaint received by the Integrity Commissioner does not relate to a non-compliance with the Code of Conduct, it will be deemed not to be a Complaint and the Integrity Commissioner shall advise the Complainant in writing as follows:

- a) Criminal Matter – if the Complaint is an allegation of a criminal nature consistent with the Criminal Code, R.S.C. 1985, c. C-46, the Complainant shall be informed that pursuit of such an allegation must be made through the appropriate police service;
- b) Municipal Freedom of Information and Protection of Privacy – if the Complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, the Complainant shall be referred to the Clerk to have the matter reviewed under that statute; or
- c) Other Matters – if the matter is covered by other policies or legislation, the Complainant will be advised and directed to proceed in a manner as considered appropriate by the Integrity Commissioner.

4. Refusal to Conduct an Investigation / Discontinuance of Investigation

4.1. If at any time, 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 shall not conduct or shall discontinue an investigation and shall communicate this position in writing to the Complainant and the member identified in the Complaint Form. The Integrity Commissioner is under no obligation to prepare a report for any matter that he or she summarily dismisses or does not investigate or in which the investigation is discontinued.

5. Opportunity for Resolution

5.1. If at any time, following the receipt of a 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. The formal Complaint will be held in abeyance during such time.

6. Investigation

6.1. If the Integrity Commissioner determines that a formal investigation is required, he or she shall:

- a) Provide a copy of the Complaint and any supporting materials that he or she is permitted to provide 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 ten (10) days or such other amount of time that the Integrity Commissioner deems reasonable and appropriate given the context, nature of the Complaint, and other grounds the Integrity Commissioner deems reasonable;

- b) Provide a copy of the response provided by the member to the complainant with a request for a written reply within ten (10) days or such other amount of time that the Integrity Commissioner deems reasonable and appropriate given the context, nature of the Complaint, and other grounds the Integrity Commissioner deems reasonable;
 - c) Have free access to all books, accounts, financial records, electronic data processing records, reports, files, and all other papers, things or property belonging to or used by the municipality that the Integrity Commissioner reasonably believes to be necessary for an investigation; and,
 - d) Make interim reports to Council where necessary and as required to address any issues of interference, obstruction, delay, or retaliation, if any, encountered during the investigation.
- 6.2. The Integrity Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act*, 2009, S.O. 2009, c.33, Sched. 6, in which case those sections apply to the investigation.

7. Co-Operation

- 7.1. A member shall co-operate in every way possible with the Integrity Commissioner in any investigation of a Complaint and the enforcement of the Code of Conduct.

8. Suspension of Investigation

- 8.1. The Integrity Commissioner will cease the investigation if:
- a) A complainant abandons the request for an investigation, in which case the Integrity Commissioner shall report to Council as set out above; or
 - b) The Integrity Commissioner determines that there are reasonable grounds to believe that there has been a contravention of any other statute or of the Criminal Code, R.S.C. 1985, c. C-46., in which case the Integrity Commissioner shall immediately refer the matter to the appropriate authorities and suspend the investigation until any resulting police investigation and charge(s) have been finally disposed of and shall report the suspension to Council.
- 8.2. If prior to, or at any point during, an investigation into a complaint filed by a member against another Member the Integrity Commissioner is of the opinion that the cost to the Township of completing the investigation would be disproportionate to the importance of the issue(s) raised by the Member's complaint then the Integrity Commissioner shall suspend the investigation, submit through the Clerk a written interim report outlining the reasons for the Commissioner's opinion and proceed further with the investigation only if the Council directs the Integrity Commissioner to do so. Such interim report shall identify the parties to the complaint and the nature of the complaint and shall be considered in open session.
- 8.3. If the Integrity Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act*, 1996, S.O. 1996, c. 32, the Integrity Commissioner shall terminate the inquiry on that day. If an inquiry is terminated the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six (6) weeks after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act*, 1996, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request to the Integrity Commissioner that the inquiry be commenced.

- 8.4. Between Nomination Day and Voting Day in a regular election:
- a) There shall be no requests for an inquiry, and the Integrity Commissioner shall not accept any requests for an inquiry, respecting whether a member has contravened the Code of Conduct;
 - b) The Integrity Commissioner shall not report to Council on whether a member has contravened the Code of Conduct; and,
 - c) Council shall not consider whether to impose penalties on a member.

9. Report Re Recommendation

- 9.1. The Integrity Commissioner shall report to the complainant and the member on the results of his or her review within sixty (60) days of receiving a complete Complaint Form upon completion of an investigation. If the investigation process requires more than sixty (60) days, the Integrity Commissioner shall provide an interim report to the Clerk, complainant and member indicating when the complete report may be available within sixty (60) days of receiving a complete Complaint Form.
- 9.2. If the Complaint is withdrawn, sustained, or resolved during the investigation process, the Integrity Commissioner shall report to Council outlining the findings, the terms of any resolution and any recommended action within thirty (30) days of same.
- 9.3. If upon completion of the investigation, the Integrity Commissioner finds that there has been no contravention of the Code, or that a contravention occurred but the member took all reasonable measures to prevent it, or the contravention committee was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall set this out in its report to Council.
- 9.4. If upon completion of the investigation, the Integrity Commissioner finds that a breach of the Code of Conduct has occurred, the Integrity Commissioner shall report his or her findings to Council including a recommendation as to the imposition of a penalty as set out in subsection 223.4(5) of the *Municipal Act*, 2001 S.O. 2001, c.25, namely either:
- a) A reprimand; or
 - b) A suspension of remuneration paid to the Member for a period of up to ninety (90) days.
- 9.5. The report shall only disclose such information that in the Integrity Commissioner's opinion is required for the purposes of the report. The names of the complainant and the member named in the complaint shall be included in any report, except where the complaint relates to a matter personal to the complainant (e.g. alleged harassment, alleged breach of personal privacy) or the Integrity Commissioner determines that disclosure of the complainant's name would cause harm that outweighs the public benefit of transparency.
- 9.6. A final or interim report of the Integrity Commissioner regarding a complaint about a member's alleged contravention of the Code of Conduct shall be submitted to the Clerk who shall add it to the next Council meeting agenda, which includes a standing committee of Council such as the General Purpose and Administration or Planning and Community Affairs Committees, provided that the agenda for that meeting has not been posted.

10. No Appeal of Integrity Commissioner's Decision

10.1. There is no appeal from the decision of the Integrity Commissioner.

11. Requests for Inquiry under the Municipal Conflict of Interest Act

11.1. An elector, or any person demonstrably acting in the public interest may apply in writing to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention of sections 5, 5.1 or 5.2 of the Municipal Conflict of Interest Act using the process set out below:

- a) All requests for an inquiry must be made in writing using the Township's Application for Inquiry Form (see Appendix "C") and shall be dated and signed by the person making the inquiry (the "Applicant");
- b) The Inquiry must include an explanation as to why the issue raised may be a contravention of the applicable sections of the Municipal Conflict of Interest Act and any evidence in support of the allegation must be included with the Inquiry Form;
- c) The Inquiry Form must include the name of the member alleged to have breached the Municipal Conflict of Interest Act, and any other information as required on the Complaint Form;
- d) The Request for Inquiry shall be filed with the Integrity Commissioner who will conduct any such inquiries he / she considers necessary; and
- e) The Inquiry must be submitted to the Integrity Commissioner no later than six (6) weeks from the date in which the applicant became aware of the alleged contravention, unless oth of the following are satisfied:
 - i. the applicant became aware of the alleged contravention within the period of time starting six weeks before nomination day for a regular election, as set out in section 31 of the Municipal Elections Act, and ending on voting day in a regular election, as set out in section 5 of that Act.
 - ii. The applicant applies to the Integrity Commissioner within six (6) weeks after the day after voting day in a regular election.

11.2. The Integrity Commissioner will advise the Township Clerk when a Request for Inquiry is received, assign a file number to the Request and provide updates to the Clerk on the status of the Request.

11.3. The Integrity Commissioner may request additional information from the applicant, the municipality, or may conduct a public meeting as he/she believes necessary to investigate the inquiry.

11.4. The Integrity Commissioner shall complete the inquiry within 180 days after receiving the completed application.

11.5. A Complainant may at any time abandon a Complaint, provided in the judgement of the Integrity Commissioner, the matter does not warrant an application to the courts.

12. Confidentiality

12.1. The Integrity Commissioner and every person acting under his or her instructions shall preserve the confidentiality of all documents, materials, 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, 2001. Pursuant to subsection

223.5(3) of the Municipal Act, 2001, the duty of confidentiality prevails over the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56.

13. Delegation

- 13.1. The Integrity Commissioner may delegate in writing to any person, other than a Member, any of the Integrity Commissioner's powers and duties. The Clerk shall be notified who the Integrity Commissioner has delegated any of their powers or duties to, when the delegation occurred and for what period of time.

**Appendix “B” to the
Township of Scugog – Code of Conduct
Formal Complaint Form**

Complainant Information

Full Name:	
Address:	
Phone:	
Email:	

I, _____(insert full name),
of _____(insert City, Town of residence etc.)
in the Province of Ontario,

MAKE OATH AND SAY (or AFFIRM):

1. I have personal knowledge of the facts as set out in this Complaint Form,
because: (insert reasons - e.g. I work for/I attended a meeting at which, etc.)

2. I have reasonable and probable grounds to believe that a Member of the
Township of Scugog Council, namely: _____ (insert
name of Member) has contravened section(s) _____ of the
Council Code of Conduct of the Township of Scugog. The particulars of which
are as follows:

(If more room is required, please use pages below to set out the statement of facts in consecutively numbered paragraphs, with each paragraph being confined as far as possible to a particular statement of fact. If you wish to include exhibits to support this complaint, please refer to the exhibits as Exhibit

A, B, C, etc. and attach them to this Complaint Form.)

Please Read before Signing: If the Integrity Commissioner launches an inquiry into a complaint then the content of this form, including the complainant's identity, will typically be shared with the member who is the subject of the complaint. Also, at the end of the inquiry the Integrity Commissioner may issue a public report that includes information about the complaint, including possibly the identities of the parties involved. Only sign this complaint form if you understand and accept the potential for disclosure of your identity and the information you provide.

I request that this matter be reviewed by the Township of Scugog's Integrity Commissioner.

Signature of Complainant:	
Date:	

Personal Information on this form is collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and the Corporation of the Township of Scugog Code of Conduct By-law and will be used to conduct an investigation on the details of the complaint. Questions about the collection of this information should be directed to the Clerk, Township of Scugog, 181 Perry Street, Port Perry, ON L9L 1B7, 905.985.7346.

181 Perry Street, Port Perry, ON L9L 1B7, 905.985.7346.

**Appendix “C” to the
Township of Scugog – Code of Conduct
Application for Inquiry into Alleged Contravention of the Municipal
Conflict of Interest Act**

Applicant Information

Full Name:	
Address:	
Phone:	
Email:	

Applicant is (check one):

<input type="checkbox"/>	An elector in the Township of Scugog
<input type="checkbox"/>	An individual demonstrably acting in the public interest
<input type="checkbox"/>	A corporation (including a municipality) demonstrably acting in the public interest

Where the Applicant is a corporation please identify its authorized representative for purposes of this application:

--

About the Allegation

Name of the member who is the subject of the allegation (complete separate form for each member who is the subject of an allegation):

--

The applicant alleges that the member contravened the following section of the Municipal Conflict of Interest Act (check all that apply):

<input type="checkbox"/>	Section 5
<input type="checkbox"/>	Section 5.1
<input type="checkbox"/>	Section 5.2

The following are the Applicant’s reasons for believing that the member has contravened the above section(s) of the Municipal Conflict of Interest Act:

(If more room is required, please use pages below to set out the reasons in consecutively numbered paragraphs, with each paragraph being confined as far as possible to a particular statement of fact. If you wish to include exhibits to support this application, please refer to the exhibits as Exhibit A, B, C, etc. and attach them to this Form.)

Please Read before Signing: If the Integrity Commissioner launches an inquiry into an allegation then the content of this form, including the Applicant's identity, will typically be shared with the Member who is the subject of the allegation. Also, information on this form and information obtained during the inquiry, including possibly the identities of the parties involved, might be disclosed in the Integrity Commissioner's published reasons at the end of the inquiry and might be disclosed in an application to the Superior Court. Only sign this application form if you understand and accept the potential for disclosure of your identity and the information you provide.

The Applicant applies to the Integrity Commissioner for an inquiry to be carried out concerning the alleged contravention:

Signature of Applicant: <u>(or of representative if Applicant is a corporation)</u>	
Date:	

Personal Information on this form is collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and Part V.1 of the Municipal Act and will be used by the Integrity Commissioner to consider this application and to conduct an inquiry into it. Questions about the collection of this information should be directed to the Township Clerk, Township of Scugog, 181 Perry Street, Port Perry, ON L9L 1A7, 905.985.7346.

Note: the statutory declaration on the next page is a mandatory part of the application (required by the Municipal Act). It must be declared before a person authorized to take declarations in Ontario (including any Ontario lawyer).

Declaration

Required by subsection 223.4.1(6) of the Municipal Act

I, _____(insert full name),
of _____(insert City, Town of residence etc.)
in the Province of _____(add province / country if outside Ontario /
Canada) solemnly declare that:

Check one:

	I am the Applicant.
	The Applicant is a corporation and I am its authorized representative.

Check one:

	I attest to the fact that the Applicant became aware of the Member’s alleged contravention of the Municipal Conflict of Interest Act not more than six weeks before today.
	(In a municipal election year:) I attest to the fact that the Applicant became aware of the Member’s alleged contravention of the Municipal Conflict of Interest Act within the period of time starting six weeks before the fourth Friday of July, and ending on voting day.

I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the _____)
of _____ this _____)
day of _____ , _____)
_____)
_____)
A Commissioner, etc.) Applicant or Representative

**Appendix “D” to the
Township of Scugog – Code of Conduct for Members of Council
Advice Procedure**

1. Procedure – Request for Advice

- 1.1. Any Council or local board member who wishes to obtain advice from the Region’s Integrity Commissioner must request the advice in writing. The preferred method is via email.
- 1.2. Requests for Advice must specify the date, if any, by which the member requires the advice. The Integrity Commissioner will endeavour to respond to all requests for advice by the date requested.
- 1.3. The Integrity Commissioner will provide advice to members of Council and local boards as it pertains to:
 - a) Their obligations under the code of conduct;
 - b) Their obligations under a procedure, rule or policy of the municipality or of the local board as the case may be, governing the ethical behaviour of members;
 - c) Their obligations under the Municipal Conflict of Interest Act.

2. Response of Integrity Commissioner to Request for Advice Outside Jurisdiction

- 2.1. If the request for advice received by the Integrity Commissioner does not relate to the Code of Conduct, the Municipal Conflict of Interest Act sections 5, 5.1 or 5.2, or a procedure, rule or policy governing the ethical behaviour of members; it will be deemed not to be within the Integrity Commissioner’s mandate and the Integrity Commissioner shall advise of such in writing as follows:
 - a) Criminal Matter – if the request for advice is with respect to a matter that is of a criminal nature consistent with the Criminal Code, R.S.C. 1985, c. C-46, the member shall be advised that the request for advice must be made through the appropriate police service or through independent legal counsel;
 - b) Municipal Freedom of Information and Protection of Privacy – if the request for advice falls under the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, the member shall be referred to the Clerk; or
 - c) Other Matters – if the matter is covered by other policies or legislation, the member will be advised and directed to proceed in a manner as considered appropriate by the Integrity Commissioner.

3. Response in Writing

- 3.1. The Integrity Commissioner will respond to all requests for advice in writing, to the member who made the request for advice.

4. Release of Advice

- 4.1. Advice provided by the Integrity Commissioner may be released with the member’s written consent.

- 4.2. If a member releases part of the advice provided by the Integrity Commissioner, then the Integrity Commissioner may release part or all of the advice without requiring consent from the member.

5. Advice is Binding

- 5.1. Any written advice given by the Integrity Commissioner to a member binds the Integrity Commissioner in any subsequent consideration of the conduct of the member in the same matter as long as all the relevant facts known to the member were disclosed to the Integrity Commissioner. If new information regarding the same matter is provided to the Integrity Commissioner the original advice may be changed at the sole discretion of the Integrity Commissioner.