



**Stratford City Council**  
**Committee of the Whole Open Session**  
**AGENDA**

**Date:** Monday, January 21, 2019

**Time:** 5:30 P.M.

**Location:** Council Chamber, City Hall

**Council Present:** Mayor Mathieson - Chair Presiding, Councillor Beatty, Councillor Bunting, Councillor Burbach, Councillor Clifford, Councillor Gaffney, Councillor Henderson, Councillor Ingram, Councillor Ritsma - Vice Chair, Councillor Sebben, Councillor Vassilakos

**Staff Present:** Rob Horne - Chief Administrative Officer, Joan Thomson - City Clerk, Michael Humble - Director of Corporate Services, Ed Dujlovic - Director of Infrastructure and Development Services, Jacqueline Mockler - Director of Human Resources, Carole Desmeules - Director of Social Services, John Paradis - Fire Chief, Tatiana Dafoe - Deputy Clerk, Mike Beitz - Corporate Communications Lead

Pages

**1. Call to Order**

Mayor Mathieson, Chair presiding, to call the Council meeting to order.

**2. Declarations of Pecuniary Interest and the General Nature Thereof**

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and to otherwise comply with the *Act*.

Name, Item and General Nature Thereof

**3. Presentation by Integrity Commissioner**

1 - 27

Presentation by Robert Swayze on the Code of Conduct, Municipal Conflict of Interest Act and Council responsibilities.

**4. Orientation Sessions**

The next Council Orientation session is scheduled for February 12, 2019 from 9:00 a.m. to 3:00 p.m.

**5. Adjournment:**

Motion by \_\_\_\_\_

**THAT the January 21, 2019 Committee of the Whole Open Session Meeting adjourn.**



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# Code of Conduct

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For Members of Council, Local  
Boards and Committees

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Adopted this 13th day of August, 2018

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## CODE OF CONDUCT - CITY OF STRATFORD

### PURPOSE

The Code of Conduct acts in conjunction with the following legislation and the applicable regulations governing the conduct of Members:

- *Municipal Act, 2001*
- *Municipal Conflict of Interest Act*
- *Municipal Elections Act, 1996*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Provincial Offences Act*
- Ontario Human Rights Code
- Criminal Code of Canada
- by-laws and policies of City Council as adopted and amended from time to time

This Code of Conduct shall apply to all Members of City Council, including representatives or members of local boards and committees, including but not limited to any citizens appointed by City Council to a board and/or committee as defined in the *Municipal Act, 2001*.

### KEY PRINCIPLES

1. The key principles that underlie this Code of Conduct include:
  - a. Members shall serve and be seen to serve their constituents in a conscientious and diligent manner;
  - b. Members shall be committed to performing their functions with integrity and avoid any improper or inappropriate use of the influence of their office, and conflicts of interest or bias, both perceived and real;
  - c. It shall be the duty of the Members to abide by all applicable legislation, policies and procedures pertaining to their position as a Member;
  - d. Each Member in exercising their powers and in discharging their Official Duties shall, in accordance with the *Municipal Act, 2001* and *Municipal Conflict of Interest Act*:
    - i. Seek to advance the common good of the City of Stratford;

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- ii. Truly, faithfully and impartially exercise their office to the best of their knowledge and ability;
- iii. Exercise care, diligence and skill that a reasonably prudent person would exercise in similar circumstances;
- iv. Exercise their powers only for the purpose for which they were intended;
- v. Competently, exercise their office by educating themselves either formally or informally, in matters pertaining to their official duties; and,
- vi. At all times respect the Council decision-making process.

## DEFINITIONS

- 2. For the purpose of this Code of Conduct the following terms have the meanings set out below:
  - a. "child" shall be the same meaning as set out in the *Municipal Conflict of Interest Act*, as amended or replaced from time to time;
  - b. "City of Stratford" shall mean The Corporation of the City of Stratford;
  - c. "Code of Conduct" or "Code" shall mean this City of Stratford's Code of Conduct;
  - d. "Committee" shall mean any quasi-judicial, administrative, or other similar committees or any other committee established by legislation, or exercising any power or authority under any general or special statute in respect of any of the affairs or purposes of the City that may be established by City Council from time to time;
  - e. "Complaint" shall mean an alleged contravention of the Code of Conduct;
  - f. "Confidential Information" includes but is not limited to:

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- any information in the possession of, or received in confidence by the City, that the City is prohibited from disclosing, or had decided to refuse to disclose under the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, or any other applicable law;
  - information of a corporate, commercial, scientific or technical nature received in confidence from third parties; personal information that is subject to solicitor-client privilege; information that concerns any confidential matters pertaining to personnel labour relations, litigation, property acquisition, the security of the property of the City or a local board or committee; any other information lawfully determined by the Council or the local board to be confidential, or required to remain or be kept confidential by legislation or order;
  - 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, unless the matter is subsequently discussed in open Council or it is authorized to be released by Council, a local board, committee or otherwise by law;
  - Reports of consultants, draft documents and internal communications, that, if disclosed may result in prejudice to the reputation of the City, its officers and Employees, or its effective operation;
  - Information relating to litigation, negotiation or personnel matters;
  - Information, the publication of which may impact the rights of any person (for example, in the course of a complaint where the identity of a complaint is given in confidence).
- g. "day" shall mean a calendar day and when the time for doing anything under this Code of Conduct falls on a holiday, the time is extended to include the next day that the City is open for business. When there is a reference to two events, the time between two events is computed by

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excluding the day on which the first event occurs and including the day on which the second event occurs;

- h. "Employee" shall mean a person employed by the City, including those employed on personal service contracts, subcontractors and volunteers, but does not include members of council, committees or local boards;
- i. "gifts and benefits" means any cash or monetary equivalent, fee, object of value, service, travel and accommodation or entertainment;
- j. "holiday" means a Saturday or Sunday or other days that the City offices are closed, such as the statutory holidays of New Year's Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any special holiday proclaimed by the Governor General or the Lieutenant Governor in Council. Where New Year's Day, Canada Day or Remembrance Day fall on a Saturday or Sunday, the following Monday is a holiday. Where Christmas Day falls on a Saturday or Sunday, the following Monday and Tuesday are holidays, and where Christmas Day falls on a Friday, the following Monday is a holiday;
- k. "Integrity Commissioner" is the person appointed by City Council By-law in accordance with the provisions of the *Municipal Act, 2001* and who is responsible for performing in an independent manner the functions assigned by the City with respect to the application of the Code of Conduct to members of Council and local boards;
- l. "lobbyist" shall mean a person who communicates for payment with public office holders, a person who lobbies on a volunteer basis for a business or a not-for-profit professional business, industry, trade or labour organization, or a consultant or voluntary lobbyist who arranged meetings between a Member and any other person for the purpose of lobbying;
- m. "local board" means a local board as defined in section 223.1 of the *Municipal Act, 2001*;

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- n. "Members" or "Member" include the Mayor and Members of the City of Stratford's Council and members of all local boards and/or Committees as defined in this Code of Conduct and the *Municipal Act, 2001*;
- o. "Official Municipal Communications" means the communication of any decisions, discussions and/or information relating to official City business, any statutory public notifications, any response(s) to comments received from the public relating to any City decisions and/or discussions, information relating to the development, approval, amendment or termination of a policy, program directive or guideline and any other information relating to City matters;
- p. "parent" shall be the same meaning as set out in the *Municipal Conflict of Interest Act*, as amended or replaced from time to time;
- q. "private advantage" for the purposes of this Code, does not include a matter that:
  - is of general application or considered to be an interest in common generally with the electors within the jurisdiction of an area; or
  - concerns the remuneration or benefits of members of Council.
- r. "Social Media" means any form of electronic communication, including but not limited to twitter, snapchat, facebook, instagram, youtube, a Member's private email account(s) when used for official City business, through which users create online communities to share information, ideas, personal messages and other content (such as videos);
- s. "spouse" shall be the same meaning as set out in the *Municipal Conflict of Interest Act*, as amended or replaced from time to time;

## GIFTS AND BENEFITS

- 3. No Member shall accept a fee, advance, membership, gift or personal benefit that is connected directly or indirectly with the performance of the Member's duties, unless permitted by one of the exceptions listed below.



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4. For these purposes, a fee or advance paid to, or a gift or benefit provided with the Member's knowledge to a Member's Spouse, Child or Parent or to a Member's employee that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to that Member.
  
5. Notwithstanding sections 3 and 4 above, a Member who is serving in the Member's capacity as an ex officio member of a board, including but not limited to the Stratford Shakespearean Festival Theatre, may accept tickets to an event provided that such tickets are also offered to other board members at the same value or lower value.
  
6. The following are recognized as exceptions to sections 3 and 4 and not considered a gift or benefit:
  - a. compensation authorized by by-law;
  
  - b. gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
  
  - c. a political contribution otherwise reported by law, in the case of Members running for office;
  
  - d. services provided without compensation by persons volunteering their time;
  
  - e. a suitable memento of a function honouring the Member;
  
  - f. food, lodging, transportation and entertainment provided by provincial, regional and local governments, by the Federal Government or by a foreign country, or by a conference, seminar or event organization where the Member is either speaking or attending in an official capacity and where arrangements were first made through the Mayor's or CAO's offices;
  
  - g. food and beverages consumed at banquets, receptions or similar events, if:
    - attendance serves a legitimate municipal business purpose;

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- the person extending the invitation or a representative of the organization is in attendance; and
  - the value is reasonable and attendance is infrequent.
- h. communication to the offices of a Member including subscriptions to newspapers and periodicals.
7. If the value of the gift or benefit is in excess of \$100, or if the total value received from any one source during the course of a calendar year exceeds \$100, the Member shall within thirty (30) days of receipt of the gift or benefit or reaching the annual limit, file a disclosure statement attached as Appendix A to this Code of Conduct, with the Chief Administrative Officer of the City;

The disclosure statement must indicate the following information:

- a. the nature of the gift or benefit;
- b. the source and date of receipt;
- c. the circumstances under which it was given or received;
- d. its estimated value;
- e. what the recipient intends to do with the gift; and,
- f. whether any gift will at any point be left with the City.

Any disclosure statements will become a matter of public record. Members shall use the Declaration of Gifts and Benefits form attached to this Code as Appendix A.]

8. Where the Integrity Commissioner finds that receipt of the gift was inappropriate, the Integrity Commissioner shall direct the Member to return the gift and/or reimburse the donor for the value of any gift or benefit already used, or, to forfeit the gift and/or remit the value of any gift or benefit already used to the City. The Member upon returning the gift or remitting the value of the gift shall provide an explanation as to why the gift and benefits cannot be accepted.

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### **IMPROPER USE OF INFLUENCE**

9. No Member shall use the influence of their office for any purpose other than the exercise of their official duties.
  
10. Examples of prohibited conduct include but are not limited to the use of one's status as a Member to improperly influence the decision of another person to the Private Advantage of oneself or one's Parents, Child or Spouse, employee, friends or associates, business or otherwise:
  - a. attempts to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties;
  
  - b. the holding out of the prospect or promise of future advantage through a Member's supposed influence within Council in return for present actions or inaction;
  
  - c. attempts to influence an administrative or council decision or the decision-making process involving or affecting any person or organization in which a Member or Members have any interest.

### **IMPROPER USE OF RESOURCES AND PROPERTY**

11. No Member shall use any corporate resources, materials, equipment, facilities or services of Employees for personal gain or for any private purpose.
  
12. Members of Council are required to conduct themselves in accordance with the *Municipal Elections Act, 1996* as amended or replaced from time to time, the City's Use of Resources Policy, and any and all other applicable City policies and/or by-laws.
  
13. No Member shall use municipal property and Employee time for any election-related activity. This prohibition applies to both the promotion and opposition to the candidacy of a person for any elected office or position. Election-related activity applies to a Member's personal campaign for office, and any other campaigns for municipal, provincial and federal office, referendums and/or questions on the ballot.

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### BUSINESS RELATIONS

14. No Member shall act as a lobbyist before Council, its committees, or an agency, board or commission of the City except in compliance with the terms of the *Municipal Conflict of Interest Act*. A Member shall not refer to a third party, partnership or corporation in exchange for payment or other personal benefit,
15. No Member shall act as a paid agent before Council, its committees or an agency, board or commission of the City except in compliance with the terms of the *Municipal Conflict of Interest Act*.
16. No Member shall allow the prospect of their current or future employment by a person or entity to detrimentally affect the performance of their duties for the City.
17. No Member shall engage in outside work or business activity that:
  - a) conflicts with their duties as a Member;
  - b) uses or relies upon their knowledge of confidential plans, projects or information about the City;
  - c) will or is likely to influence or affect the Member in carrying out their duties as a Member.

### CONFIDENTIALITY

18. No Member shall disclose, release or publish by any means to any person or to the public any Confidential Information acquired by virtue of their office, in any form, except when required or authorized by Council or otherwise required by law to do so. No Member shall 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.
19. No Member shall release information except as required by the *Municipal Freedom of Information and Protection of Privacy Act* or otherwise required by law.
20. No Member shall release information that is subject to solicitor-client privilege unless expressly authorized by Council, Committee or Local Board resolution (if so empowered) or otherwise required by law to do so.

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### **CONDUCT WHILE REPRESENTING THE CITY**

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

### **CONDUCT AT MEETINGS**

22. Members shall conduct themselves with decorum and civility in accordance with the provisions of the City's Procedural By-law, show courtesy and respect to delegations, fellow Members and Employees, and not distract from the business of the City during presentations and when other Members have the floor.

### **CONDUCT RESPECTING EMPLOYEES**

23. Only Council as a whole has the authority to approve budgets, policies, committee processes and other matters. Members are not permitted to individually direct the actions of Employees, save and except as authorized by Council.
24. Any and all Members shall be respectful of the fact that Employees carry out directions of Council and administer the policies of the City and are required to do so without any undue influence from any individual Member or group of Members.
25. No Member(s) shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practices of Employees, and all Members shall have respect for the professional capacities of the Employees of the City of Stratford.
26. No Member shall compel an Employee to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. No Member shall use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any Employee with the intent of interfering with that person's duties, including the duty to disclose improper activity.

### **COMPLIANCE WITH CITY'S POLICIES AND BY-LAWS**

27. This Code operates in conjunction with, and as a supplement to, any policies of the City that may from time to time apply to Members.

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28. Members are required to observe the terms of all City By-laws, policies and procedures detailed in such policies or otherwise established by Council.
29. Section 28 of this Code does not prevent a Member from requesting that Council grant an exemption from a policy, other than this Code. If such exemption is not granted by Council the Member shall comply with the policy in question.

### **COMMUNICATIONS AND USE OF SOCIAL MEDIA**

30. Members acknowledge and agree that all Official Municipal Communications relating to decisions made by Council will be communicated by Employees in compliance with the City's corporate communications strategy and/or by the Mayor or designate.
31. Members acknowledge that the City has a Social Media Policy that establishes basic principles and procedures for the use and management of Social Media on behalf of the City. Use of Social Media by Members shall be in accordance with this Code of Conduct and the City's Social Media Policy.

### **HARASSMENT**

32. All Members have a duty to treat the public, one another and Employees in an appropriate manner without abuse, bullying or intimidation. All Members shall ensure that their work environment is free from discrimination and personal and/or sexual harassment.
33. The Ontario Human Rights Code applies, as does the City's policies addressing a workplace free from harassment and discrimination.
34. Members shall abide by the provisions of the Human Rights Code as may be amended and replaced from time to time and shall treat every person, including other Members, Employees, individuals providing services on a contract for service and the public, with dignity, understanding and respect.
35. Members shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, or disability.
36. Harassment means engaging in any course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

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37. Without limiting the generality of the foregoing, Members shall not:
- a. make inappropriate comments or gestures to or about an individual where such conduct is known or ought reasonably to be known to be offensive to the person(s) to whom the conduct or gestures are directed or are about;
  - b. display materials or transmit communications that are inappropriate, offensive, insulting or derogatory;
  - c. make threats or engage in any abusive activity or course of conduct towards others;
  - d. vandalize the personal property of others;
  - e. commit any kind of assault including any unwanted physical conduct.
38. Harassment that occurs in the course of, or is related to, the performance of any duties for, or on behalf of, the City of Stratford is subject to this Code of Conduct. In the event an Employee or member of the public brings forward a harassment complaint against a Member, the complaint procedure under the City's human rights policy shall govern.

### **REPRISALS AND OBSTRUCTION**

39. Members shall respect the integrity of this Code. Any reprisal or threat of reprisal against a complainant or anyone providing relevant information to the Integrity Commissioner is prohibited. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner in the carrying out of their responsibilities, such as for example providing inaccurate or misleading information to the Integrity Commissioner, refusing to answer inquiries or by the destruction or concealment of any documents.

### **COMPLIANCE WITH THE CODE OF CONDUCT**

40. Members found to have breached the Code of Conduct may be subject to disciplinary actions, including but not limited to, the return of a gift or benefit, removal from a local board or committee, censure, reprimand or, where applicable, suspension of remuneration paid for their services as a Member for a period of up to ninety (90) days.

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41. The Council shall appoint an Integrity Commissioner to investigate any alleged breaches of this Code of Conduct.
42. Any individual, organization, Employee and Member of Council, who has/have reasonable grounds to believe that a Member has breached a provision of this Code of Conduct, may proceed with a complaint.
43. Complaints must be submitted within a period of six (6) weeks of the matter becoming known to the individual and no more than nine (9) months (270 days) after the alleged violation. No action will be taken on any complaints received after the deadlines.
44. A complaint does not have to pursue the informal complaint process set out below prior to proceeding with a formal complaint.

### **COMPLAINT PROCEDURE**

45. The complaint procedure shall not apply retroactively to any alleged contraventions of this Code prior to the date on which the Code of Conduct was formally approved by Council.

### **Informal Complaints**

46. Any organization, Employee, Member or member of the public who has identified and/or witnessed any behaviour or activity by a Member that is or appears to be in contravention of this Code of Conduct may engage in the following informal process:
  - a. advise the Member that their behaviour or activity is unacceptable and appears to contravene the Code of Conduct;
  - b. encourage the Member to stop the prohibited behaviour or activity;
  - c. if applicable, confirm to the Member your satisfaction or dissatisfaction with the Member's response to the concern identified;
  - d. keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information, including any steps taken to resolve the matter;



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- e. if the complainant is not satisfied with the response received through the informal process, an individual may proceed with a formal complaint through the procedure set out below.

### Formal Complaints

- 47. Any organization, Employee, Member or member of the public who has identified or witnessed behaviour or activity by a Member that appears to be in contravention of this Code may have their concerns addressed through the formal complaint process set out below:
  - a. all formal complaints must be made in writing, setting out the reasonable and probable grounds for the allegation that a Member has contravened the Code of Conduct on the Complaint Form / Affidavit attached as Appendix B to this Code of Conduct;
  - b. formal complaints must be signed by an individual (which includes the authorized signing officer of an organization), but the identity of the complainant shall be disclosed only to the Integrity Commissioner and the City Clerk.
  - c. all formal complaints must be filed with the City Clerk who shall forward the matter to the Integrity Commissioner for classification to determine if the matter is a complaint with respect to non-compliance with the Code of Conduct and not covered by any other applicable legislation or City policies;
  - d. any witnesses in support of the allegation must be identified on the Complaint form;
  - e. the formal complaint shall include the name of the Member alleged to have breached the Code of Conduct, the section of the Code of Conduct that was allegedly contravened, the date, time and location of the alleged contravention;
  - f. the Integrity Commissioner may request additional information from the complainant.

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### INTEGRITY COMMISSIONER

48. Pursuant to section 223.3 of the *Municipal Act, 2001*, the City of Stratford shall appoint an Integrity Commissioner who reports to Council and who is responsible for performing the following duties in an independent and consistent manner:
- a. assessing and investigating formal written complaints respecting alleged contraventions of this Code of Conduct;
  - b. assessing and investigating formal written complaints respecting alleged contraventions of the *Municipal Conflict of Interest Act*;
  - c. determining whether a Member has violated a protocol, by-law or policy governing their behaviour with the final decision-making authority resting with Council as to whether or not to impose the recommendation(s) of the Integrity Commissioner; and
  - d. providing Council, through the City Clerk, with reports resulting from the investigations of the Integrity Commissioner and any other reports prepared above the informal and formal complaint procedure.

### COMPLAINT CLASSIFICATION / REFERRAL

49. If, after reviewing the complaint, the Integrity Commissioner determines that it does not appear to be a complaint with respect to non-compliance with this Code or the *Municipal Conflict of Interest Act*, the Integrity Commissioner shall direct the City Clerk to advise the complainant in writing that if the complaint is an allegation of:
- a. a criminal nature under the Criminal Code, the complainant must pursue such allegation with the appropriate authorities;
  - b. non-compliance with the *Municipal Conflict of Interest Act*, the complainant should obtain independent legal advice;
  - c. non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the matter will be referred to the City Clerk or the Office of the Information and Privacy Commissioner for review; or

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- d. non-compliance with a more specific City policy with a separate complaint procedure, the matter will be processed under that procedure.

### INVESTIGATION PROCEDURE

- 50. If a complaint has been filed and classified as being within the jurisdiction of the Integrity Commissioner, the Integrity Commissioner shall investigate and may attempt to resolve the complaint;
- 51. Except where otherwise required by the *Public Authorities Act*, the Integrity Commissioner shall:
  - a. serve the complaint and supporting material upon the Member whose conduct is in question and advise that the Member may file a written response to the allegation with the Integrity Commissioner within ten (10) days of the date of service upon the Member;
  - b. on receipt of the Member's response, serve the complainant with a copy of the Member's written response and advise that the complainant provide a written reply within ten (10) days;
  - c. interview any individuals or examine any documents relevant to the complaint.
- 52. If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious, or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation and/or shall terminate the investigation if it becomes apparent in the course of an investigation.

### INVESTIGATION REPORT

- 53. The Integrity Commissioner shall:
  - a. report the general findings of their investigation to the complainant and the Member no later than sixty (60) days after receiving a formal complaint;

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- b. allow the Member at least ten (10) days to respond in writing to the Integrity Commissioner on their findings and any recommended correction actions or sanctions;
  - c. indicate when the Integrity Commissioner anticipates submitting their final report to Council;
  - d. file their report with the City Clerk.
- 54. The report on the general findings under section 53 shall include:
  - a. the nature of the complaint;
  - b. if the complaint was filed after the expiry of the limitation period set out in this Code, the Integrity Commissioner's findings regarding the limitation period, which findings shall be made in accordance with the civil standard on a balance of probabilities;
  - c. the evidence gathered from the complaint and from the inquiry;
  - d. the Integrity Commissioner's findings of fact regarding the complaint, which findings shall be made in accordance with the civil standard on a balance of probabilities;
  - e. the Integrity Commissioner's decision, based on the findings of fact, that the Member contravened or did not contravene the Code of Conduct, Municipal Conflict of Interest Act or other procedures, rules or policies governing a member of Council's ethical behaviour;
- 55. Where the complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining their findings and/or recommended corrective action(s).
- 56. If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or the *Municipal Conflict of Interest Act* or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity

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Commissioner shall so state in the report and recommend the appropriate penalty, if any, to be imposed.

### PENALTIES / RECOMMENDATIONS OF INTEGRITY COMMISSIONER

57. Subsection 223.4 of the *Municipal Act, 2001* authorizes Council to impose either of two penalties on Members following a report by the Integrity Commissioner that, in their opinion, there has been a violation of the Code of Conduct.
  - a. a reprimand; or
  - b. suspension of the remuneration paid to the Member in respect of their services as a member of Council, Committee or Board, as the case may be, for a period of up to ninety (90) days.
  
58. Although not expressly authorized by the *Municipal Act, 2001*, the Integrity Commissioner may also recommend, among other things, that Council take the following actions:
  - a. remove the Member from a committee or local board;
  - b. remove the Member as Chair of a committee or local board;
  - c. request the Member to repay or reimburse monies received;
  - d. request the Member to return the property or reimburse its value to the provider of the gift or benefit;
  - e. request the Member to provide a formal apology to Council, the complainant or both;
  - f. where the Integrity Commissioner decides that the Member has contravened the Code of Conduct or any other procedures, rules or policies governing the Member's behaviour, the Member shall be advised of the penalty under section 57, if any, to be imposed, and be provided with a copy of a letter of reprimand, if imposed, or a copy of the notice of suspension of remuneration, if imposed.

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59. In addition to the penalties described above, Council reserves the right to take any other action authorized by law.
60. Any recommended corrective action shall be designed to ensure that the inappropriate behaviour or activity does not continue.
61. Subsection 9 of the *Municipal Conflict of Interest Act* authorizes a judge to impose penalties when a judge finds that the member or former member contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.

### COUNCIL'S CONSIDERATION OF INTEGRITY COMMISSIONER'S FINDINGS

62. Where the Integrity Commissioner has filed an investigation report in respect of an inquiry with the City Clerk under section 53, the City Clerk shall place the report on the next available Committee of the Whole In-camera Agenda subject to the provisions of section 239(2) of the *Municipal Act*.
63. The City Clerk shall, after Council consideration prescribed in section 61 above, submit the findings and recommendations of the Integrity Commissioner to Council for consideration on the next available Council Agenda that is open to the public.
64. The Integrity Commissioner's findings and recommendations shall remain confidential until the matter has received complete and final disposition by the Integrity Commissioner and the Integrity Commissioner's report has been submitted to the Members of Council by the City Clerk.

### CONFIDENTIALITY OF COMPLAINT DOCUMENTS

65. The Integrity Commissioner and every person acting under their instructions shall preserve the confidentiality of all documents, material or other information, whether belonging to the City or not, that have come into their possession or to their knowledge during the course of their duties as required by the *Municipal Act, 2001*.
66. In the Integrity Commissioner report to the Council on an investigation into an alleged breach of this Code of Conduct, the report shall only disclose such information that in the Integrity Commissioner's opinion is required for the purposes of the report.

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67. If the Integrity Commissioner shall issue an annual and/or interim report to Council on the activities of the Integrity Commissioner and shall summarize the advice given but shall not disclose any confidential information that could identify a person concerned.

### **COMPLAINT AND LEGAL CONFIDENTIALITY**

68. The Integrity Commissioner and any person acting under their authority shall preserve the confidentiality of all documents, material or other information, whether belonging to the City or not, that come into their possession or knowledge during the course of duties or the investigation as required by the *Municipal Act*.
69. In accordance with the provisions of the *Municipal Act, 2001*, the confidentiality of this complaints process prevails over the *Municipal Freedom of Information and Protection of Privacy Act*.
70. The Integrity Commissioner is entitled to have access to such information belonging to or used by the City, including but not limited to legal advice that has been given to Council or Employees, as the Integrity Commissioner deems necessary to conduct an inquiry.
71. A disclosure to the Integrity Commissioner of legal advice:
- a. shall be deemed not to constitute a waiver of solicitor-client privilege;
  - b. shall be used for the purpose of conducting an inquiry and not for any other purpose; and
  - c. the contents or substance of such legal advice shall not be disclosed in any public report prepared by the Integrity Commissioner or any person acting under the instructions of the Commissioner, including their delegate.

### **INTERIM, ANNUAL AND OTHER REPORTS**

#### **Interim Reports**

72. The Integrity Commissioner may make interim reports to Council when necessary, and as required or requested to address any instances of delay,

## **CODE OF CONDUCT - CITY OF STRATFORD**

interference, obstruction or retaliation encountered during an investigation, or as otherwise deemed necessary by the Integrity Commissioner.

### **Annual Reports**

73. The Integrity Commissioner shall report annually to Council on:

- a. complaints not within the jurisdiction of the Integrity Commissioner;
- b. complaints within the jurisdiction of the Integrity Commissioner; and
- c. complaints deemed to be frivolous, vexatious, and not made in good faith, where there are no or insufficient grounds

but shall not disclose any information that could identify a person or individual.

If no complaints are received within a calendar year, the Clerk shall report to Council accordingly and no annual report shall be made by the Integrity Commissioner.

### **VACANCY – INTEGRITY COMMISSIONER**

74. Should the Office of the Integrity Commissioner become vacant, the Code of Conduct shall remain in full force and effect and all Members shall abide by the provisions set out therein. When the Office of the Integrity Commissioner is vacant, all formal complaints shall be held in abeyance until such time as an Integrity Commissioner has been appointed, or an interim measure enacted to enable the complaint to be addressed within a reasonable amount of time including but not limited to having a temporary Integrity Commissioner.

### **REPRISALS AND OBSTRUCTION**

75. Members shall respect and maintain the integrity of the Code of Conduct and any investigations conducted under the provisions of the Code of Conduct. Any reprisal or threat of reprisal against a complainant or anyone else for providing relevant information to the Integrity Commissioner is prohibited. It is a violation of the Code of Conduct to obstruct the Integrity Commissioner in the carrying out of their responsibilities including but not limited to the destruction of documents or the erasing of electronic communications.



## **CODE OF CONDUCT - CITY OF STRATFORD**

### **INTERPRETATION**

76. Members seeking clarification of any part of this Code of Conduct may seek clarification and/or consult with the City Clerk or the Integrity Commissioner.

### **AUTHORIZATION**

77. The City Clerk is authorized to make any changes and revisions to the forms attached as Appendices to this Code of Conduct as deemed necessary and appropriate by the City Clerk.

## CODE OF CONDUCT - CITY OF STRATFORD

This is Appendix A to the Code of Conduct

### Declaration of Gifts and Benefits by Members of Council

in the performance of their duties if the value exceeds \$100,

or

if the total value received from any one source during a calendar year exceeds \$100.

Information to be completed by Member of Council or Local Board

<b>Name of Member of Council</b>	
<b>Nature of Gift or Benefit</b>	
<b>Date Received</b>	
<b>Estimated Value</b>	
<b>Name of Person or Group that offered the Gift or Benefit</b>	
<b>Intended use of Gift by Recipient</b>	
<b>Will Gift be left with the City?</b>	
<b>Additional Information</b>	

Please attach any and all pertinent information to this form including correspondence from donor, etc.

Signature of Member of Council or Local Board: \_\_\_\_\_ Date: \_\_\_\_\_

Once completed and signed, this Declaration is a public document.

# CODE OF CONDUCT - CITY OF STRATFORD

## This is Appendix B to the Code of Conduct **Complaint Form and Affidavit**

### **Council Code of Conduct or *Municipal Conflict of Interest Act***

I, [full name]

of the \_\_\_\_\_ of \_\_\_\_\_ in the Province of Ontario  
[City, town etc.] [municipality of residence]

MAKE OATH OR AFFIRM AND SAY as follows:

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

[insert reasons, such as I work for .... I attended the meeting at which .... etc.]

2. I have reasonable and probable grounds to believe that a member of Stratford City Council or a member of a Committee or a Local Board [insert name of person]  
has contravened section(s) of the Council Code of Conduct or the *Municipal Conflict of Interest Act*. The particulars of which are as follows:  
**[Set out in the space provided below, the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space, please use the attached Schedule A form and check the appropriate box below. If you wish to include exhibits to support this complaint, refer to the exhibits as Exhibit "A", Exhibit "B" etc and attach them to this Affidavit.]**

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3. I acknowledge that at the time of the Integrity Commissioner's report to Council on this matter, and as between the Parties, the identity of a complainant and the identity of the person who is the subject of the complaint shall not be treated as confidential information.

**Please see the attached Schedule A.** Yes ☐ No ☐

**Please see the attached Exhibit(s) \_\_\_\_\_** Yes ☐ No ☐

4. This Affidavit is made for the purpose of requesting that this matter be reviewed and for no other purpose.

SWORN or AFFIRMED before me  
at the City of Stratford, in the  
Province of Ontario  
This       day of       ,

\_\_\_\_\_  
A Commissioner for taking Affidavits etc.

\_\_\_\_\_  
Print Name -

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

# CODE OF CONDUCT - CITY OF STRATFORD

## Schedule A

### [Additional Information]

To the Affidavit required under section 6.2 of By-law -2018.

If more than one (1) page is required, please photocopy this blank page and mark each additional page as 2 of 2, or 2 of 3 at the top right corner.

This is Schedule A referred to in the Affidavit of  
[full name]

Sworn or Affirmed before me on this \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_

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A Commissioner for taking Affidavits, etc.