

BY-LAW 2023/18

BEING A BY-LAW TO AMEND BY-LAW 2019/98, BEING A BY-LAW TO ESTABLISH A CODE OF CONDUCT POLICY FOR BOARDS AND COMMITTEES FOR THE MUNICIPALITY OF WEST NIPISSING

WHEREAS at the meeting held on December 3, 2019, Council adopted By-Law **2019/98** to establish a Code of Conduct for Boards and Committees;

AND WHEREAS the Council of the Municipality of West Nipissing deems it necessary to update the list of Boards and Committees for which the Code of Conduct is applicable;

NOW THEREFORE the Council of the Corporation of the Municipality of West Nipissing hereby enacts:

1. **THAT** Item 1 – Applicability of By-law 2019/98, as amended, be repealed and replaced with the following; which shall form part of this By-law:

APPLICABILITY

The Code of Conduct Policy for Boards and Committees will be applicable to the following, including any other Board or Committee that may be created, by Council resolution, from time to time:

- a) West Nipissing Accessibility Advisory Committee
- b) West Nipissing Agricultural Advisory Committee
- c) West Nipissing Cemetery Board
- d) West Nipissing Committee of Adjustment
- e) West Nipissing Court of Revision
- f) West Nipissing Economic Development Committee
- g) West Nipissing Environmental Services Board
- h) West Nipissing Planning Advisory Committee
- i) West Nipissing Property Standards Committee
- j) West Nipissing Recreation and Culture Advisory Committee
- k) West Nipissing Youth Advisory Committee

2. **SCHEDULES:**

THAT the updated schedules attached hereto shall replace previous versions; which same schedules will form part of **CODE OF CONDUCT POLICY FOR BOARDS AND COMMITTEES** by-law:

- (a) **Schedule “B(i)”** - Request for Inquiry - Code of Conduct.
- (b) **Schedule “B(ii)”** - Application for Inquiry - Municipal Conflict of Interest Act

3. **THAT** this by-law shall take effect on the date it is enacted.

ENACTED AND PASSED THIS 7th DAY OF MARCH, 2023 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.



KATHLEEN THORNE-ROCHON
MAYOR



MELANIE DUCHARME
CLERK

BY-LAW 2019/98

BEING A BY-LAW TO ADOPT A CODE OF CONDUCT POLICY FOR BOARDS AND COMMITTEES OF THE MUNICIPALITY OF WEST NIPISSING

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

AND WHEREAS: Part V.1, Accountability and Transparency, *Section 223.2(1) of the Municipal Act, 2001, c.25, as amended*, authorizes a municipality to establish codes of conduct for Members of Council of the municipality and of local boards of the municipality;

AND WHEREAS: the Council of the Corporation of the Municipality of West Nipissing deems it expedient to adopt a Code of Conduct Policy for its Boards and Committees;

NOW THEREFORE the Council of the Corporation of the Municipality of West Nipissing hereby enacts a Code of Conduct for Boards and Committees, attached hereto as Schedule "A".

1. SEVERABILITY

In the event that section or sections of this by-law thereof are found by a Court of competent jurisdiction to be invalid or ultra vires, such section, sections or parts thereof shall be deemed to be severable, with all other sections or parts of this by-law remaining in the full force and effect.

2. APPLICABILITY

This Code of Conduct Policy for Boards and Committees will be applicable to the following :

- a) West Nipissing Accessibility Advisory Committee
- b) West Nipissing Agricultural Advisory Committee
- c) West Nipissing Cemetery Board
- d) West Nipissing Committee of Adjustment
- e) West Nipissing Court of Revision
- f) West Nipissing Environmental Services
- g) West Nipissing Heritage Committee
- h) West Nipissing Sturgeon River House Museum Advisory Committee
- i) West Nipissing Planning Advisory Committee
- j) West Nipissing Property Standards Committee
- k) West Nipissing Youth Advisory Committee

3. SCHEDULES

THAT the following schedules are attached and shall form part of this by-law:

- (a) **Schedule "A"** - Code of Conduct for Boards and Committees.
- (b) **Schedule "B"** – Request for Investigation – Boards or Committees Code of Conduct

4. THAT this by-law shall take effect on the date it is enacted.

ENACTED AND PASSED THIS 3rd DAY OF DECEMBER, 2019 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.

JOANNE SAVAGE
MAYOR

MELANIE DUCHARME
CLERK



SCHEDULE "A"
to
BY-LAW 2019/98

**CODE OF CONDUCT
FOR BOARDS AND
COMMITTEES**

Joie de vivre



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1. PURPOSE

The purpose and intent of this policy is to establish guidelines for ethical and interpersonal standards of conduct for Members of Boards and Committees of the Municipality of West Nipissing by improving the quality of public administration and governance and by encouraging high standards of conduct on the part of all non-elected members of Boards and Committees to:

- (a) Protect the public interest.
- (b) Promote high ethical standards among Municipal Board and Committee Members.
- (c) Encourage a universal understanding of the fundamental rights, privileges, and obligations of members of local boards and committees.
- (d) Provide a means for Municipal Board and Committee Members to obtain authorization for some contemplated conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct.
- (e) Set out the means of correcting unethical conduct.
- (f) Municipal Board and Committee Members hold positions of privilege. Therefore, they must discharge their duties in a manner that recognizes a fundamental commitment to the well-being of the community and regard for the integrity of the Corporation.
- (g) The importance of Policy:
 - (i) ensures equitable treatment of citizens;
 - (ii) ensures equitable treatment of employees;
 - (iii) communicating corporate priorities to employees;
 - (iv) ensuring compliance with statutory requirements;
 - (v) minimize liability risks;
 - (vi) ensures accountability at all levels;
 - (vii) ensures optimal use of available resources;

2. DUTY OF BOARDS AND COMMITTEES

This Code of Conduct is a public declaration of the principles of good conduct and ethics (standards of behavior) that the non-elected Members of the West Nipissing Boards and Committees will demonstrate in the performance of their responsibilities as non-elected community representatives”.

Appointment to a Board and/or Committee within a community is a privilege; which carries significant responsibilities and obligations. Members of Boards and Committees are expected to carry out their duties in a fair, impartial, transparent and professional manner. The key stakeholders, although obvious at first, represent a broad base of interests and concerns; which require fair and open attention, adjudication and disposition.

These key stakeholders include but are not limited to:

- (a) Residents
- (b) Ratepayers
- (c) Members of Council
- (d) Staff
- (e) Local Boards and Committees
- (f) Province of Ontario
- (g) School Boards and other Public Agencies
- (h) Suppliers
- (i) Chambers of Commerce

To assist the Municipality of West Nipissing Council in interacting effectively with all stakeholders, the following obligations are expected of each **Member of Boards and Committees**:

- (a) That they solemnly promise, declare and carry out their responsibilities as prescribed in the oath of office.
- (b) That they familiarize themselves with and follow any terms of reference or legislated responsibilities of the Board or Committee to which they are appointed;
- (c) That they follow the provisions of the *Municipal Conflict of Interest Act* under E-laws: <http://www.e-laws.gov.on.ca/index/html>

3. POLICY STATEMENT

Local Government is an open, accessible, and accountable form of government. The relationship of public trust and mutual respect that has evolved between government and the public requires high standards of ethical conduct by municipal Board and Committee Members.

4. DEFINITIONS

- (a) **“Boards and Committees”** means a Planning Board, or any other board, commission, committee, body or local authority established or exercising any power under any act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority;
- (b) **“Chief Administrative Officer”** means an employee who is responsible for exercising general control or management of the administration and affairs of the Municipality and other duties as directed by Council.
- (c) **“Child”** includes a child born within or outside of marriage and includes an adopted child and a person to whom the Member has demonstrated a settled intention to treat as a child of his or her family.
- (d) **“Closed/In-Camera Meeting”** means any meeting of Board and Committee, Committee of the Whole, Standing Committee or Board that is closed to the public in accordance with section 239(2), (3) or 3.1) of the *Municipal Act*, 2001.
- (e) **“Confidential Information”** includes information in the possession of, or received in confidence by the Municipality, that the Municipality is prohibited from disclosing, that the Municipality is required to refuse to disclose, or that the Municipality chooses not to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), or other legislation or policy of the Municipality. Without limiting the generality of the foregoing, Confidential Information also includes all information concerning matters dealt with at closed meetings, information that is marked as "confidential", information obtained by the Member by virtue of their position as a Member that is not in the public domain, or information that is otherwise determined to be confidential by the Chief Administrative Officer, Clerk or as specifically declared by Council.
- (f) **“Council”** means the Council of the Municipality of West Nipissing;
- (g) **“Ethically”** means behaving in a manner characterized by honesty, fairness and equality in interpersonal relationships and with respect for the dignity and rights of other people.
- (h) **“Family Member”** includes:
 - (i) A Spouse of the Member;
 - (ii) Child of the Member;
 - (iii) A Parent of the Member;
 - (iv) A Sibling of the Member, whether by birth, marriage or adoption;
 - (v) A Grandchild, grandparent, aunt, uncle, niece or nephew of the Member;
 - (vi) A Parent-in-law of the Member; and
 - (vii) Any person who lives with the Member on a permanent basis.
- (i) **“Gift”** means any cash or monetary equivalent, fee, object of value, service, personal benefit, travel and accommodation or entertainment. A gift does not include remuneration.
- (j) **“Harassment”** includes, but is not limited to, engaging in a course of vexatious or unwanted comment or conduct that is known or ought reasonably to be known to be unwanted and includes Sexual Harassment as defined in the *Occupational Health and Safety Act*, as amended from time to time.
- (k) **“Integrity Commissioner”** shall mean any Integrity Commissioner, appointed from time to time, by the Council for the Municipality of West Nipissing, pursuant to Section 223.1 of the *Municipal Act*, 2001 the responsibilities of whom are more particularly described in ***By-Law No. 2019/29, being a By-Law to Establish the Office of the Integrity Commissioner and a Process for the Hearing of Complaints Regarding Elected Officials in the Municipality of West Nipissing***
- (l) **“Member of Boards or Committees”** or **“Member”** includes any non-elected official appointed by Council to a Board or Committee;

- (m) “Municipality” means the Corporation of the Municipality of West Nipissing.
- (n) “Parent” includes those persons who demonstrated a settled intention to treat as a child the Member, whether or not the Member is their natural child.
- (o) “Spouse” means a person to whom the Member is married or with whom the Member is living in a conjugal relationship outside of marriage.
- (p) “Staff” includes anyone employed by the Municipality, including full-time, part-time, temporary, casual or seasonal Staff, contract Staff, students and volunteers (in accordance with the *Municipal Act*, Council Members are not considered employees of the Municipality).

5. RESPONSIBILITIES

(1) Statement of Commitment

The Members of Boards and Committees are committed to discharging their duties conscientiously and to the best of their ability.

In the performance of their community role, they will act with honesty and integrity and generally conduct themselves in a way that both generates community trust and confidence in them as individuals and enhances the role and image of the Board and Committee and local government generally.

In addition to all legislative requirements, the Members of the municipal Boards and Committees have adopted the requirements of this Code of Conduct and ethics are standards that they will adopt in the performance of their role.

(2) Standard of Conduct

- (a) Members must not make improper use of information acquired or have improper use of their position as a Member of Boards and Committees;
- (b) Members are to act honestly and with reasonable care and exercise due diligence in the performance and discharge of official functions and duties;
- (c) Members shall, at all times, seek to advance the common good of the community which they serve and act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality is not compromised;
- (d) Members shall truly, faithfully and impartially exercise the office to the best of their knowledge and ability; and
- (e) Members shall perform the functions of office in good faith, honestly and in a transparent manner.

(3) Conduct to be observed

- (a) Statutory Provisions Regulating Conduct

This *Code of Conduct* is supplemental to the existing statutes governing the conduct of members. Legislation governing the conduct of Members includes:

 - (i) *Municipal Act, 2001*;
 - (ii) *Municipal Conflict of Interest Act*;
 - (iii) *Municipal Freedom of Information and Protection of Privacy Act*;
 - (iv) *Provincial Offences Act*;
 - (v) Ontario Human Rights Code
 - (vi) *Ontario Occupational Health and Safety Act*
 - (vii) Criminal Code of Canada
- (b) *Municipal Act 2001, as amended – Legislated Responsibilities*

The following are distinct and specialized roles carried out by Boards and Committees as a whole and by individual members when performing their other roles. The key requirements of these roles are captured as noted under 3. c).
- (c) Role of Board and Committee Members
 - (i) to represent the public and to consider the well-being and interests of the municipality;
 - (ii) to develop and evaluate the policies and programs of the municipality;
 - (iii) to determine which services the municipality provides;
 - (iv) to ensure that administrative policies, practices and procedures and controllership policies,

practices and procedures are in place to implement the decisions of the Board and Committee;

- (v) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (vi) to maintain the financial integrity of the municipality; and
- (vii) to carry out the duties of Board and Committee under this or any other Act.

Role of Integrity Commissioner as noted in S.223.1

- (i) The application of the code of conduct for members of Board and Committee and the code of conduct for members of local boards.
- (ii) The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of Board and Committee and of local boards.
- (iii) The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of local boards.
- (iv) Requests from members of local boards and committees for advice respecting their obligations under the code of conduct applicable to the member.
- (v) Requests from members of local boards and committees for advice respecting 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.
- (vi) Requests from members of local boards and committees for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
- (vii) The provision of educational information to, members of local boards and committees, the municipality and the public about the municipality's codes of conduct for members of local boards and committees and about the *Municipal Conflict of Interest Act*. 2017, c. 10, Sched. 1, s. 19 (1).

(4) Confidentiality

Every municipal Board and Committee Member must hold in strict confidence all information of a confidential nature acquired in the course of his or her term with the municipality.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:

- (a) To use confidential information, which is not available to the general public, and to which Members of Council have access by reason of his/her position with the municipality to further his/her personal interests or the interests of others.
- (b) To disclose, either directly or indirectly, release, make public or in any way divulge any such information (verbal or written) or any aspect of the in "Closed Session" deliberations to anyone, unless expressly authorized by Board and Committee or required by law to do so.
- (c) To disclose to unauthorized persons confidential information to which the Member of Board and Committee has access by reason of his/her position as a Member of Board and Committee with the municipality.
- (d) Members shall comply with the *Municipal Freedom of Information and Protection of Privacy Act* at all times. Public comments, discussions and disclosures to the media regarding employees of individuals that breach a person's privacy is deemed to be a contravention of this Code of Conduct.

(5) Personal Gain

- (a) Members may not use their position, privileges, or confidential information obtained as a result of their position for private gain or to improperly benefit another person.
- (b) Members may not be a party to or beneficiary under a contract for:
 - (i) the provision of goods or services to the municipality; or
 - (ii) the performance of any work otherwise than as a Board and Committeelor for the municipality;
- (c) A Member may not obtain a financial interest in any business of the municipality; or
- (d) A Member may not appear on behalf of any other person before the Council or a Committee for a fee or other consideration.

(6) Respect the Decision Making Process

All Members shall communicate accurately the decision of Board and Committee, in such a manner that shows respect for the decision making process of Board and Committee whether they agree or not.

(7) Conduct Respecting Staff

- (a) Under the direction of the CAO or designate, staff may assist or facilitate Boards and Committees.
- (b) Members shall be respectful of the role of staff to advise based on fairness, and objectivity, and without due influence from any individual member .
- (c) No Member shall maliciously or falsely harm the professional or ethical reputation or the prospects or practice of staff. All Members shall show respect for the professional capacities of the staff of the Municipality of West Nipissing.
- (d) No Member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing such activities.
- (e) Members shall not use or attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering with the person's duties including the duty to disclose improper activity.
- (f) **No Member shall:**
 - maliciously or falsely injure the professional or ethical reputation by spreading malicious rumours;
 - cause persistent, excessive nit-picking, unjustified criticism and constant scrutiny;
 - exclude or ignore the target;
 - refuse to acknowledge the target or his/her contributions;
 - undermine the target's efforts by setting impossible goals and deadlines; and
 - impede or have influence on an employee's effort in advancing, promotions or transfers.

(8) Interpersonal Behaviour of Members

(a) Treat Every Person with Dignity, Understanding and Respect

Members shall abide by the provisions of the *Human Rights Code* and, in doing so, shall treat every person including other Members of Council, Committees, Boards, corporate employees, individuals providing services on a contract basis and the public with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination.

(b) Not to Discriminate

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, same-sex partnership status, family status, or disability. "Age", "disability", "family status", "record of offences", "same sex partnership status" shall be as defined in the *Human Rights Code*.

(c) Not to Engage in Harassment

Members shall not:

- (i) make racial, homophobic, sexist or ethnic slurs;
- (ii) display pornographic, homophobic, sexist, racist or other offensive or derogatory material;
- (iii) make leering (suggestive staring) or other offensive gestures;
- (iv) make written or verbal abuse or threats;
- (v) vandalize the personal property of others;
- (vi) commit physical or sexual assault;
- (vii) make unwelcome remarks, jokes, innuendos or taunting statements about a person's physical appearance, racial background, colour, ethnic origin, place of origin, citizenship, ancestry, creed (religion or belief), sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, disability (physical or mental);
- (viii) make unwelcome remarks, insulting gestures or jokes which cause embarrassment or awkwardness;
- (ix) refuse to converse or interact with anyone because of their racial or ethnic background, colour, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability;
- (x) make unnecessary or unwanted physical contact, including touching, patting, or pinching; or
- (xi) demand sexual favours or requests.

(9) Gifts, Hospitality and other Benefits

The objective of these policies is to ensure that Members decisions are based on impartial and objective assessment of each situation free from influence of gifts, favours, hospitality or entertainment.

- (a) The stipend, if applicable, paid to each Member of Board and Committee is intended to fully

remunerate Members for service to the Corporation.

- (b) Members are prohibited from soliciting, accepting, offering or agreeing to accept a gifts of any kind, personally or through a family member or business connection, that is connected directly or indirectly with the performance of duties of office or dealings with the municipality or could reasonably be construed as being given in anticipation of future or recognition of past “special consideration”.
- (c) The above policy does not preclude Members of Board and Committee from accepting:
 - (i) Token gifts, souvenirs, mementoes or hospitality received in recognition for service on a committee for speaking at an event or for representing the Corporation at an event;
 - (ii) Political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
 - (iii) Food and beverages at meetings, banquets, receptions, ceremonies or similar events;
 - (iv) Food, lodging, transportation, entertainment provided by other levels of government, by other local governments or by local government boards or commissions;
 - (v) A stipend from a board or commission that the member serves on as a result of an appointment by Council;
 - (vi) Reimbursement of reasonable expenses incurred in the performance of office;
 - (vii) Reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations;
 - (viii) Gifts of a nominal value that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of the office;
 - (ix) Services provided without compensation by persons volunteering their time for election campaign.
- (d) Where it is not possible to decline unauthorized gifts, Members shall report the matter to the Integrity Commissioner. The Integrity Commissioner may require that the gift be returned to the sender with an acknowledgement of the return and reference to this Code of Conduct or be retained or be disposed for charitable purposes.
- (e) Members shall not place themselves in a position of obligation to any person or organization which might reasonably benefit from special consideration or may seek preferential treatment.

(10) Use of Municipal Property, Services and Other Resources

- (a) No Member shall for personal purposes or profit, use or permit the use of any Municipal property, equipment, services, or supplies other than for purposes connected with the discharge of Municipal duties or associated community activities of which Board and Committee has been advised, unless the use is reasonable and incidental personal use of equipment such as computers, fax machines, cell phones, tablets etc., where the Municipality incurs no additional costs relating to such use, and the use is of limited duration and frequency.
- (b) No member shall utilize Municipal equipment, such as computers, tablets, phones or other technological devices for intentionally making, accessing, downloading, uploading or saving inappropriate material which includes, but is not limited to, (i) pornographic, violent or hate material, or (ii) statements which are derogatory, defamatory, harassing, fraudulent or threatening.
- (c) This policy does not apply to the use of Municipal property and facilities where such use is universally known to be available to other residents upon request and on equal terms.
- (d) No Member shall obtain financial gain from the use of Municipally developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the Municipality.

(11) Conflict of Interest

- (a) Members must be familiar with and comply with the *Municipal Conflict of Interest Act*, as amended. It is the responsibility of each Member, not Staff, to determine whether they have a direct or indirect pecuniary interest with respect to matters arising before a Board or Committee. Each Member shall determine whether he or she has a direct or indirect pecuniary interest and shall at all times comply with the Act.
- (b) For purposes of this Code, a pecuniary interest, direct or indirect, of a Family Member of the Member shall be deemed to also be the personal/pecuniary interest of the Member. All Members shall declare a conflict of interest where they or their Family Member has a pecuniary interest in a matter and shall take all of the actions prescribed in the *Municipal Conflict of Interest Act* as if the Act applied to that interest.
- (c) In addition to pecuniary interests, Members must perform their duties impartially, such that an objective, reasonable observer would conclude that the Member is exercising their duties objectively and without undue influence. Each Member shall govern their actions using the

following as a guide:

- (i) in making decisions, always place the interests of the taxpayers and the Municipality first and, in particular, place those interests before your personal interests and the interests of other Members, staff, friends, business colleagues or Family Members;
 - (ii) interpret the phrase "conflict of interest" broadly and with the objective of making decisions impartially and objectively;
 - (iii) if there is doubt about whether or not a conflict exists, seek the advice of the Integrity Commissioner or legal counsel;
 - (iv) do not make decisions that create an obligation to any other person who will benefit from the decision;
 - (v) do not make decisions or attempt to influence any other person for the purpose of benefitting yourself, other Members, Staff, friends, business colleagues or Family Members, or any organization that might indirectly benefit such individuals;
 - (vi) do not put yourself in the position where a decision would give preferential treatment to other Members, Staff, friends, business colleagues or Family Members, or any organization that might indirectly benefit such individuals; and
 - (vii) do not promise or hold out the prospect of future advantage through your influence in return for a direct or indirect personal interest.
- (d) Direct or indirect personal interests do not include:
- (i) a benefit that is of general application across the Municipality;
 - (ii) a benefit that affects a Member or his or her Family Members, friends or business colleagues as one of a broad class of persons; or
 - (iii) the remuneration of a Member or benefits available to Members.
- (e) Every Member has the following obligations:
- (i) To make reasonable inquiries when there is reason to believe that a conflict of interest may exist;
 - (ii) To make the Board or Committee aware of the potential conflict of interest and where appropriate declare the interest;
 - (iii) To refuse to participate in the discussion of the Board or Committee and to not vote on the matter or seek to influence the vote of any other Member where a conflict of interest exists;
 - (iv) To refuse to be involved in any way in the matter once the conflict is identified, including without limitation participating in meetings, facilitating meetings or introductions to Staff or Members or providing advice to any person that would materially advance the matter; and
 - (v) If the matter which creates the conflict of interest is discussed in closed session, the Member may not attend that portion of the closed session where that matter is discussed.

6. BREACH OF POLICY

- (a) Any person may submit a confidential written allegation of a breach of the Code of Conduct for Boards and Committees to the Integrity Commissioner, in the form attached hereto.
- (b) The Integrity Commissioner shall receive the Request for Investigation and shall carry out an investigation pursuant to the provisions of By-Law No. 2019/29;
- (c) All breaches under this By-Law will be treated fairly and in keeping with the severity of the infraction giving due regard to the individual's previous conduct.
- (d) Nothing in this section restricts or attempts to countermand a Member's legal right to challenge any decision by Board and Committee through established legal channels.

7. ACKNOWLEDGMENT

SIGNATORY PAGE

I, the undersigned Member of _____ for the Municipality of West
(name of Board or Committee)

Nipissing hereby acknowledge receipt of a copy of By-law 2019/98, being the “Code of Conduct By-Law for Boards and Committees”.

Signature of Member:	Date of Signature:
Printed Member Name:	

NOTE:

*The Member acknowledges that a copy of **By-law 2019/98**, containing the Code of Conduct Policy for Board and Committee was provided to the Member. One signed copy of the “**ACKNOWLEDGMENT**” was returned to the Clerk and the Member of Board and Committee retained a complete copy of the By-law.*



**INTEGRITY COMMISSIONER
REQUEST FOR INQUIRY CODE OF CONDUCT**

<p>This form will be used to request the Integrity Commissioner conduct an inquiry of an alleged Code of Conduct contravention</p>	<p>Submit completed complaint in a sealed envelope to: Integrity Commissioner Request for Inquiry Re Code of Conduct J.R.Paul Cassan Wishart Law Firm LLP 390 Bay St., Suite 500, Sault Ste. Marie, Ontario P6A 1X2 Phone: (705) 949-6700 ext. 224 Fax: (705) 949-2465 www.wishartlaw.com</p>
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REQUESTOR'S INFORMATION	
Last Name:	First Name:
Street Address:	Municipality:
Postal Code:	Phone #:
E-mail Address:	Name of Member:

DETAILS OF ALLEGED CODE OF CONDUCT CONTRAVENTION	
Date(s) of alleged Code of Conduct contravention:	
Provision(s) of Code of Conduct allegedly contravened:	
Facts constituting the alleged Code of Conduct contravention <i>(please use separate page(s) if required)</i>	
Name(s) and contact information of any witnesses:	
<input type="checkbox"/>	I agree to release my identity with regard to this request
<input type="checkbox"/>	I do NOT agree to release my identity with regard to this request
Signature:	Date: Year Month Day

FOR OFFICE USE ONLY		

**INTEGRITY COMMISSIONER
APPLICATION FOR INQUIRY MUNICIPAL CONFLICT OF INTEREST
ACT**

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

MAKE OATH AND SAY (or AFFIRM):

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

2. I have reasonable and probable grounds to believe that a Member, namely: _____
(specify name of Member)
has contravened section(s) _____ of the *Municipal Conflict of Interest Act*, RSO 1990. c M.50.
(specify section(s) 5, 5.1 or 5.2.)

The particulars of which are as follows:

(If more room is required, attach and initial extra pages 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. Exhibits should be labelled as Exhibit A, B, etc. and attached to this affidavit.)

3. I became aware of the alleged contravention:
 - not more than six weeks before the date of this application.
 - within the period of time beginning six weeks before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act.

This affidavit is made for the purpose of applying for an inquiry by the Integrity Commissioner and for no other purpose.

SWORN (or AFFIRMED) before me at the City / Town /)
Municipality of _____)
this _____ day of _____, 20____.) _____
) (signature of deponent)
) _____)
) _____)
A Commissioner, etc.