

April 13, 2021

Report To: Fort Frances Senior Center Board of Management

From: Aaron Bisson, Manager of Recreation and Culture

**RE: Fort Frances Senior Centre Orientation Report**

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At the request of the Fort Frances Senior Centre Board a through a conversation with the Town Clerk an orientation package for new board members was developed for the Fort Frances Senior Centre.

In the welcome package, there is a letter welcoming new members to the board, and the by laws which established the Fort Frances Senior Centre Board along with the Code of Conduct by law. Two years' worth of minutes from the board are also supplied to bring the board members up to speed on what the board has been working on in the past few years. Attached to this report you will find the package that was given to our two newest board members and the template for what will be given to new members moving forward.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Aaron Bisson', with a long horizontal stroke extending to the right.

Aaron Bisson

Manager of Recreation and Culture



Congratulations .....,

Welcome to the Fort Frances Senior Centre Board of Management. It is through individuals like yourself that the various boards and committees within the Town remain successful and committed to providing the best experience possible for our citizens.

You will be provided with some background on the board and some of the items the board has been working on in the past couple of years. Included in this package are the Fort Frances Senior Centres minutes for 2019 and 2020 along with the bylaws that established the Senior Centre Board of Management, and the Code of Conduct by law which outlines how members of the board are expected to conduct themselves. Members of boards are held to the same standard as members of Council.

I would like to personally welcome you to the board and look forward to working with you and the other members over your term.

Regards,

Aaron Bisson



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TOWN OF FORT FRANCES

BY-LAW NO. 38/83

(Being a by-law for the purpose of establishing a board to operate an Elderly Persons Centre - The Elderly Persons Centres Act, R.S.O. 1980, Chapter 131.)

WHEREAS By-Law No. 37/83 establishes an elderly persons centre at 401 Nelson Street;

AND WHEREAS the Elderly Persons Centre was officially opened on October 22nd, 1983 and therefore it is deemed in the best interests of the Centre to have a Board responsible for its operation and maintenance;


NOW THEREFORE the Council of the Corporation of the Town of Fort Frances HEREBY ENACTS as follows:

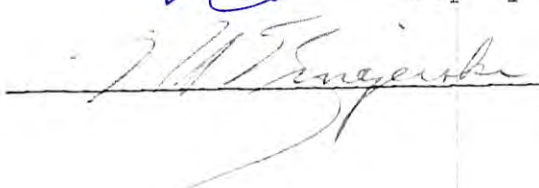
1. A Board of Management to be known as the "Elderly Persons Centre Board of Management", is hereby established for the control, operation and maintenance of the Elderly Persons Centre as established by By-Law No. 37/83.
2. The Elderly Persons Centre Board of Management shall consist of eight members:
  - five citizens at large,
  - two members of Council and the Clerk-Administrator of the Town of Fort Frances who shall be ex-officio a member of the Board with voting privilege only in the absence of both members of Council from a scheduled meeting,in accordance with the qualifications by-laws to serve on local boards, committees and commissions.
3. Every member of the Board shall continue to hold office until a successor is appointed, subject to the by-law regarding re-appointments. In the case of vacancy by resignation, declaration of death, or from any cause other than the expiration of the term for which he was appointed, Council shall, upon such advisement by the Board, appoint another eligible member for the unexpired portion of the term.
4. The office of a member who is absent from the meetings of the Board for three (3) consecutive months, without leave of absence from the Board or without reasons satisfactory to the Board, shall be declared vacant by the Chairman of the Board and notice thereof shall be given to the Council at its next regular meeting.
5. No member of the Board or of Council, shall have any contract with the Board or be pecuniarily interested, directly or indirectly, in any contract or work relating to the operations or functions of the Board.
6. A majority of the members of the Board shall constitute a quorum.
7. Members of the Board shall serve without remuneration.
8. At the first meeting of the appointed Board, the members of the Board shall elect one of their number as Chairman, another as Vice-Chairman and another as Secretary. The Town Treasurer shall serve as Treasurer to the Board.
9. All orders and proceedings of the Board shall be entered in books to be kept for that purpose and shall be signed by the Chairman for the time being, and when so entered and purported to be signed, shall be produced and read in any judicial proceeding as evidence of the orders and proceedings.



10. Copies of minutes and proceedings of each meeting of the Board shall be provided to Council. The Board shall meet at least once in every month.
11. The records and accounts of the Board shall be subject to annual audit, and as deemed required from time to time, by the Municipal Officer or Auditor duly appointed by Council.
12. The Board may engage, employ and terminate its own employees as it deems required in accordance with lawful practice and to such extent within its financial ability, provided that the Town of Fort Frances makes no monetary contribution to the requirements of the Board.
13. The Board shall on or before the first day of March in each year prepare and submit to Council an estimate of its financial requirements for the ensuing financial year and the Municipal Treasurer shall pay the Board accounts approved by the Board directly, in respect to, and to the limitations of, the approved budget, revenues and appropriation.
14. The Committee shall keep distinct and regular accounts of its receipts, payment, credits and liabilities in accordance with the systems of the Town of Fort Frances.
15. The Board may fix the times and places of its meetings, and the mode of calling and conducting them, and make regulations governing the conduct of its members.
16. This by-law shall come into full force and effect on the final passing thereof and upon approval by the Minister of Community and Social Services.

READ THREE TIMES AND FINALLY PASSED in open Council this  
28th day of November, 1983

  
Deputy Mayor

  
Clerk

TOWN OF FORT FRANCES

BY-LAW NO. 38/83-A

(Being a by-law to amend the by-law regarding the Elderly Persons Centre Board of Management and to repeal inconsistencies pertaining thereto.)

WHEREAS the Minister of Community and Social Services pursuant to section 9 of the Elderly Persons Centres Act, R.S.O. 1980, Chapter 131, has, on the 14th day of February 1984, changed the name of Pleasant Pastimes Place to Sister Betty Kennedy Centre;

AND WHEREAS By-Law No. 23/81 for the purpose of authorizing an agreement with a Board appointed for the construction of the Centre has now fulfilled its mandate;


AND WHEREAS By-Law No. 36/81 which established the required qualification for appointment of members to all boards and commissions did, under section 4, provide certain exceptions to appointment of members to the Senior Citizen's Board and should now be repealed;

NOW THEREFORE the Council of the Corporation of the Town of Fort Frances HEREBY ENACTS as follows:

1. That Sections 1. and 2. By-Law No. 38/83 be amended by the replacement of the phrase "Elderly Persons Centre Board of Management" with "Sister Betty Kennedy Centre Board of Management".
2. That By-Law No. 23/81, dated August 10th, 1981 be and the same is hereby repealed.
3. That Section 4. of By-Law No. 36/81, dated November 23rd 1981 be and the same is hereby repealed.

This by-law shall come into full force and effect upon the final passing thereof.

READ THREE TIMES and finally passed in open Council this 13th day of November, 1985.

  
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DEPUTY-  
MAYOR

  
\_\_\_\_\_

CLERK



TOWN OF FORT FRANCES

BY-LAW NO. 38/83-B

(Being a by-law to amend the composition of the Sister Betty Kennedy Centre Board of Management.)

The Council of the Corporation of the Town of Fort Frances  
HEREBY ENACTS as follows:-

1. That Section 2. of By-Law No. 38/83, as amended, be and the same is hereby repealed and replaced with the following:

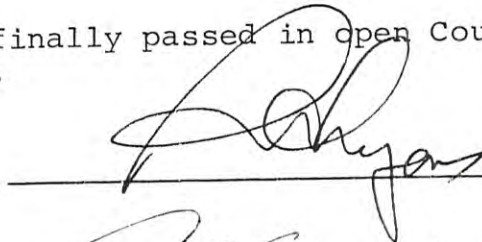
"2. The Sister Betty Kennedy Centre Board of Management shall consist of seven (7) members:

- five (5) members at large, and
- two (2) members of Council,

in accordance with the qualifications by-laws to serve on local Boards, Committees and Commissions."

This by-law shall come into full force and effect upon final passing thereof.

READ THREE TIMES and finally passed in open Council this 24th day of November, 1986.



MAYOR



CLERK

TOWN OF FORT FRANCES

BY-LAW NO. 38/83-C

(Being a by-law to amend the composition of the Sister Kennedy Centre Board of Management.)

WHEREAS by resolution passed November 29th, 1989 Council decided to provide for the appointment of an honorary member, ex-officio;

NOW THEREFORE the Council for the Town of Fort Frances HEREBY ENACTS as follows:-

1. That Section 2. of By-Law 38/83; as amended, be further amended by the addition of the following:

"In addition to the members otherwise provided for in this section, Council may appoint one person as honorary member, ex-officio to hold office at the pleasure of Council provided said person qualifies in accordance with the qualifications by-laws to serve on local boards, committees and commissions."

This by-law shall come into full force and effect on final passing.

READ THREE TIMES and finally passed in open Council this 11th day of December 1989.

  
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DEPUTY-  
MAYOR

CLERK

TOWN OF FORT FRANCES

BY-LAW NO. 38/83-D

(Being a by-law to establish the term of appointment for members of the Sister Betty Kennedy Centre Board of Management as three-year terms - The Municipal Act, R.S.O. 1990, c.M45, s.s.207(58).)

WHEREAS on November 17, 1997 council approved a recommendation from the Community Services Executive Committee to provide for three-year terms for appointment to the Sister Betty Kennedy Centre Board of Management.

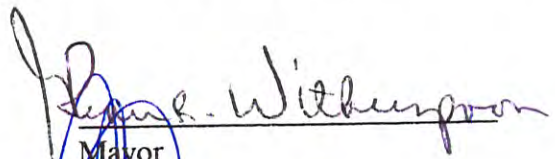
NOW THEREFORE the Council for the Town of Fort Frances HEREBY ENACTS as follows:-

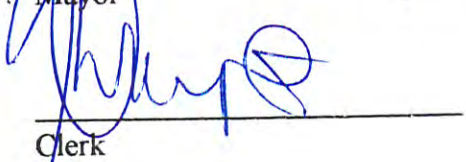
1. That Section 2. Of By-Law 38/83; as amended, be further amended by the addition of the following:

“The members appointed shall hold office at the pleasure of Council and unless sooner removed shall hold office until the expiration of the term of Council appointing them.”

This by-law shall come into full force and effect upon the final passing thereof.

READ THREE TIMES and finally passed in open Council this 08th day of December, 1997.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk





# **Integrity Commissioner Inquiry Protocol**

*Town of Fort Frances*

**Important Disclaimer:** this protocol complies with the relevant provisions of the *Municipal Act, 2001*, SO 2001, c 25 (the “*Act*”). Wishart Law Firm LLP recommends that legal advice be sought by the Integrity Commissioner or anyone acting under his or her authority in responding to an application or conducting an inquiry pursuant to this protocol. If you have any questions or concerns about this protocol or how to implement it, please contact Wishart Law Firm LLP. Wishart Law Firm LLP is not responsible for the results of any edit to this protocol other than as expressly authorized or directed by Wishart Law Firm LLP.

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## 1. Introduction

The Municipality has, pursuant to section 223.2 of the *Municipal Act, 2001*, established a Code of Conduct for members of council of the Municipality and members of its Local Boards.

The Municipality has appointed an Integrity Commissioner whose duties include, among other things, conducting inquiries in respect of alleged contraventions of the Code of Conduct and sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* (“*MClA*”).

The purpose of this protocol is to set out a framework for the Integrity Commissioner’s inquiries into allegations of contraventions of the Code of Conduct and sections 5, 5.1 and 5.2 of the *MClA* breaches.

## 2. Definitions

“**Applicant**” means the person who has submitted an application to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention by a Member of sections 5, 5.1 or 5.2 of the *MClA*.

“**Code of Conduct**” means a code of conduct established pursuant to section 232.2 of the *Municipal Act, 2001*.

“**Elector**” means a person entitled to vote at a municipal election in the Municipality.

“**Integrity Commissioner**” means the Integrity Commissioner appointed by Municipal Council and any individual acting under powers delegated to him or her in writing by the Integrity Commissioner.

“**Local Board**” means a Local Board other than:

- a. A society as defined in subsection 2(1) of the *Child, Youth and Family Services Act, 2017*;
- b. A board of health as defined in subsection 1(1) of the *Health Protection and Promotion Act*;
- c. A Committee of management established under the *Long-Term Care Homes Act, 2007*;
- d. A police service board established under the *Police Services Act, 2018*;
- e. A board as defined in section 1 of the *Public Libraries Act*; and,
- f. A corporation established in accordance with section 203 of the *Municipal Act, 2001*;

**“Member”** means a member of the municipal council and any person on his or her staff and/or a member of a Local Board or a Committee of the Municipality and any person on his or her staff.

**“Requestor”** means the person who has submitted a request to the Integrity Commissioner for an inquiry concerning an alleged contravention of the applicable Code of Conduct.

**“Respondent”** means the person who is alleged to have violated the Code of Conduct or sections 5, 5.1 or 5.2 of the *MClA* and whom an Integrity Commissioner inquiry application has been submitted.

## 3. Integrity Commissioner

### 3.1. Functions

The Integrity Commissioner reports to council and is responsible for performing in an independent manner, the functions assigned by the Municipality with respect to any of the following:

1. The application of the Code of Conduct for Members.
2. The application of any procedures, rules and policies of the Municipality and Local Boards governing the ethical behaviour of Members.
3. The application of sections 5, 5.1 and 5.2 of the *MClA* to Members.
4. Requests from Members for advice respecting their obligations under the Code of Conduct applicable to the Member.
5. Requests from Members 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.
6. Requests from Members for advice respecting their obligations under the *MClA*.
7. The provision of educational information to Members, the Municipality and the public about the Municipality’s Code of Conduct for Members and about the *MClA*.



### **3.2. Powers and duties**

In carrying out the responsibilities described in section 3.1 above, the Integrity Commissioner may exercise such powers and shall perform such duties as may be assigned to him or her by the Municipality.

### **3.3. Delegation**

After satisfying himself or herself that a person is fully capable of carrying out the Integrity Commissioner's powers or duties, the Integrity Commissioner may, in writing, delegate to any person, other than a member of council, any such duties or powers. For greater certainty, if the Integrity Commissioner delegates any duties or powers, the Integrity Commissioner may continue to exercise the delegated powers and duties despite the delegation.

### **3.4. Outside assistance**

In performing any of his or her duties, the Integrity Commissioner may engage outside assistance or consult with the Municipality's legal counsel. When the Municipality's legal counsel is assisting the Integrity Commissioner their role is solely to assist the Integrity Commissioner and not any particular individual.

## **4. Requests for advice**

### **4.1. Requests for advice shall be in writing**

A request by a Member for advice from the Integrity Commissioner under paragraphs 4, 5 or 6 of section 3.1 above, shall be made in writing.

### **4.2. Advice shall be in writing**

If the Integrity Commissioner provides advice to a Member under paragraphs 4, 5 or 6 of section 3.1 above, the advice shall be in writing.

### **4.3. Release of advice**

Advice provided by the Integrity Commissioner to a Member under paragraphs 4, 5 or 6 of section 3.1 above may be released by the Integrity Commissioner:

1. With the Member's written consent; or
2. Without the Member's written consent if the Member releases part of the advice.

## 5. Inquiry by Integrity Commissioner re Code of Conduct

### 5.1. *Request for inquiry*

A request for inquiry may be made in writing to the Integrity Commissioner by a Member, staff or member of the public about whether a Member has contravened the Code of Conduct.

### 5.2. *Request contents*

A request for inquiry under section 5.1 above may be in the form set out in Schedule “A” or, otherwise, shall include sufficient information to set out a prima facie contravention of the applicable Code of Conduct, including, but not necessarily limited to, all of the following:

- The Requestor’s name and contact information.
- What happened – a description of the events or situation.
- When it happened – dates and times of the events or incidents.
- Where it happened – the location(s) where the events or incidents occurred.
- Who saw it happen – the names of any witnesses, if any.

### 5.3. *Jurisdiction re workplace violence, harassment, and sexual harassment*

Requests made under this section must specifically refer to alleged contraventions of the Code of Conduct by a Member. Allegations of workplace violence, harassment, and sexual harassment by a Member must be reported in the manner set out in the Town of Fort Frances Workplace Anti-Violence, Harassment and Sexual Harassment Policy and must be reported as provided thereunder and that policy shall exclusively apply in respect of any such report.

#### **5.4. Request review**

The Integrity Commissioner will conduct an initial review of the request to ensure that it is a proper allegation of a breach of the Code of Conduct. If, after the initial review, the Integrity Commissioner determines that the request is not properly an allegation of a breach of the Code of Conduct, there are insufficient grounds to believe that there has been a contravention of the Code of Conduct, or the Integrity Commissioner, determines that an inquiry is not appropriate for any other reason in the Integrity Commissioner's reasonable discretion, the Integrity Commissioner will dismiss the request. When determining if an inquiry is appropriate, the Integrity Commissioner may, among other things, take into account the date of the alleged breach. Further, the Integrity Commissioner shall, in his or her discretion, dismiss the request if, upon initial review, the Integrity Commissioner determines that the Requestor has not supplied the information set out in section 5.2. If the Integrity Commissioner does not dismiss a request for this reason, the Integrity Commissioner will advise the Requestor that he or she must supply additional information and shall take no further action until the Requestor supplies such information.

#### **5.5. Powers on inquiry**

The Integrity Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case, notwithstanding anything to the contrary herein, those sections apply to the inquiry.

#### **5.6. Information**

The Municipality, its Local Boards and Committees shall give the Integrity Commissioner such information as the Integrity Commissioner believes to be necessary for an inquiry including free access to all books, accounts, financial records, electronic data processing records, reports, files and other papers, things or property belonging to or used by the Municipality, Committee or a Local Board. For greater certainty, providing the Integrity Commissioner with information concerning legal advice shall be deemed not to constitute a waiver of solicitor-client privilege.

#### **5.7. Penalties the Municipality may impose**

Council may impose any of the following penalties on a Member if the Integrity Commissioner reports to the Municipality that the Member has contravened the Code of Conduct:

1. A reprimand;
2. Suspension of the remuneration paid to the Member for a period of up to 90 days;



3. Other penalties, including, but not necessarily limited to:
  - a. Removal from membership of a Committee or Local Board;
  - b. Removal as Chair of a Committee or Local Board;
  - c. Require repayment or reimbursement of moneys received;
  - d. Return of property or reimbursement of its value;
  - e. Request for an apology to Council, the Requestor or other relevant party;
  - f. Revocation of travel or other budget;
  - g. Request for resignation;
  - h. Trespass Order restricting access except for Council Meetings.

### **5.8. Penalties the Local Board may impose**

A Local Board may impose any of the penalties described in section 5.7 above on a member of the Local Board if the Integrity Commissioner reports to the Local Board that, in his or her opinion, the member of the Local Board has contravened the Code of Conduct applicable to the Member of the Local Board, and if the Municipality has not imposed a penalty on the member of the Local Board under section 5.7 above in respect of the contravention.

### **5.9. Termination of inquiry when regular election begins**

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, the Integrity Commissioner shall terminate the inquiry on that day. If an inquiry is so terminated, the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six 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.

### **5.10. Other rules that apply during regular election**

The following rules apply during the period of time starting on 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*:

1. There shall be no requests for an inquiry about whether a member of council or of a Local Board has contravened the Code of Conduct applicable to the Member.

2. The Integrity Commissioner shall not report to the Municipality or Local Board about whether, in his or her opinion, a member of council or of a Local Board has contravened the Code of Conduct applicable to the Member.
3. The Municipality or Local Board shall not consider whether to impose the penalties referred to in sections 5.5 and 5.6 above on a member of council or of a Local Board.

## **6. Inquiry by Integrity Commissioner re s. 5, 5.1 or 5.2 of the *MCI***

### **6.1. *Application***

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 *MCI* by a Member.

### **6.2. *Content of application***

An application may be in the form set out in Schedule “B” or, otherwise, shall set out the reasons for believing that the Member has contravened sections 5, 5.1 or 5.2 of the *MCI* and include the Applicant’s name and contact information and 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, in the case where the Applicant became aware of the alleged contravention during the period of time described in paragraph 1 of section 6.6 below, a statutory declaration attesting to the fact that the Applicant became aware of the alleged contravention during that period of time.

### **6.3. *Review of application***

The Integrity Commissioner will conduct an initial review of the application to ensure that it complies with this section. If the application does not comply with this section, the Integrity Commissioner will advise the Applicant about the non-compliance in writing and the Integrity Commissioner shall take no further action unless or until the Applicant submits a compliant application. If upon initial review, the Integrity Commissioner determines that the application is not properly an application alleging contravention of sections 5, 5.1 or 5.2 of the *MCI* or there are no reasonable grounds to support the application, the Integrity Commissioner shall dismiss the application.

#### **6.4. No application for inquiry during regular election**

No application for an inquiry under this section may be made to the Integrity Commissioner during the period of time starting on 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*.

#### **6.5. Application timing**

An application under this section may only be made within six weeks after the Applicant became aware of the alleged contravention. No application shall be brought after the expiration of six years from the time at which the contravention is alleged to have occurred.

#### **6.6. Exception**

Despite section 6.5 above, an application may be made more than six weeks after the Applicant became aware of the alleged contravention if both of the following are satisfied:

1. The Applicant became aware of the alleged contravention 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*.
2. The Applicant applies to the Integrity Commissioner under section 6.1 within six weeks after the day after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act*, 1996.

#### **6.7. Public meeting**

If the Integrity Commissioner decides to conduct an inquiry, the Integrity Commissioner may have a public meeting to discuss the inquiry.

#### **6.8. Powers on inquiry**

The Integrity Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act*, 2009, in which case, notwithstanding anything to the contrary herein, those sections apply to the inquiry.



## **6.9. Information**

The municipality and its Local Boards shall give the Integrity Commissioner such information as the Integrity Commissioner believes to be necessary for an inquiry including free access to all books, accounts, financial records, electronic data processing records, reports, files and other papers, things or property belonging to or used by the Municipality or a Local Board. For greater certainty, providing the Integrity Commissioner with information concerning legal advice shall be deemed not to constitute a waiver of solicitor-client privilege.

## **6.10. Termination of inquiry when regular election begins**

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*, the Integrity Commissioner shall terminate the inquiry on that day.

## **6.11. No other inquiry in respect of the matter to commence without application**

If an inquiry is terminated under section 6.10, the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election as set out in section 5 of the *Municipal Elections Act, 1996*, the person who made the application or the Member or former Member whose conduct is concerned applies in writing to the Integrity Commissioner for the inquiry to be carried out.

## **6.12. Timing for completion of inquiry**

The Integrity Commissioner shall complete the inquiry within 180 days after receiving the completed compliant application under section 6.1 above unless the inquiry is terminated under section 6.10 above.

## **6.13. Decision to apply to a judge upon completion of inquiry**

Upon completion of the inquiry, the Integrity Commissioner may, if he or she considers it appropriate, apply to a judge for a determination as to whether the Member has contravened sections 5, 5.1 or 5.2 of the *MCI*A.

## **6.14. Notice to Applicant re decision not to apply to judge**

The Integrity Commissioner shall advise the Applicant if the Integrity Commissioner will not be making an application to a judge.

### **6.15. Reasons re decision to apply to a judge**

After deciding whether or not to apply to a judge, the Integrity Commissioner shall publish written reasons for the decision.

### **6.16. Costs**

The Integrity Commissioner's costs of applying to a judge shall be paid by:

1. The municipality, if the Member is alleged to have contravened sections 5, 5.1 or 5.2 of the *MCLA* as member of council of the Municipality; or
2. The Local Board, if the Member is alleged have contravened sections 5, 5.1 or 5.2 of the *MCLA* as member of the Local Board.

## **7. Conduct of inquiry**

The Integrity Commissioner may conduct such inquiry as he or she considers necessary in response to a compliant request or application under sections 5 or 6 above and such inquiry may include all or some of the following:

- Informing the Respondent of the application;
- Interviewing the Applicant, the Respondent, any person involved in the incident, and any identified witnesses;
- Interviewing any other person who may have knowledge of the incidents related to the application or any other similar incidents; and
- Reviewing any information the Integrity Commissioner believes necessary and document such review.

## **8. Reference to appropriate authorities**

### **8.1. Referral of matter by Integrity Commissioner**

If the Integrity Commissioner, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of the Criminal Code of Canada or any other *Act*, the Integrity Commissioner shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting investigation, including, but not limited to, police investigations and/or the charges have been finally disposed of, and shall

report the suspension to council. Contravention of any other *Act* includes, but is not limited to, contravention of the *Occupational Health and Safety Act*.

## **8.2. No derogation of rights**

The provisions of this protocol in no way affect the right of anyone to:

- (a) contact the police, other law enforcement agency, or any other appropriate authority on their own initiative;
- (b) exercise their right(s) under any legislation; or
- (c) take any other available legal action.

# **9. Confidentiality**

## **9.1. Integrity Commissioner's duty of confidentiality**

The Integrity Commissioner and every person acting under his or her jurisdiction shall preserve confidentiality with respect to all matters that come to his or her knowledge in the course of performing his or her duties. This section prevails over the *Municipal Freedom of Information and Protection of Privacy Act*.

## **9.2. Confidentiality of those involved in inquiry**

Out of respect for the relevant individuals, it is essential that the Applicant, Respondent, witnesses and anyone else involved in an inquiry conducted by the Integrity Commissioner hereunder maintain confidentiality throughout the inquiry and afterwards.

## **9.3. Disclosure required by law**

Notwithstanding sections 9.1 or 9.2 above, information may be disclosed in a criminal proceeding, or as required by law.

## **9.4. Retention of records**

The Integrity Commissioner and person providing outside assistance to the Integrity Commissioner pursuant to section 3.4 above, shall retain all records related to any application and any inquiry indefinitely.

## 10. Reports

### ***10.1. Periodic report to council***

If the Integrity Commissioner provides a periodic report to the Municipality on his or her activities, the Integrity Commissioner may summarize advice he or she has given, but shall not disclose confidential information that could identify a person concerned.

### ***10.2. Report about conduct***

After completing an inquiry, the Integrity Commissioner shall provide a written report to the Municipality or the Local Board (the “Report”).

The Integrity Commissioner may disclose in the Report, such matters as in the Commissioner’s opinion are necessary for the purposes of the Report. Where the Integrity Commissioner finds that there has been a contravention of the Code of Conduct, the Report may, at the Integrity Commissioner’s discretion, contain the following:

1. An outline of the Integrity Commissioner’s finding; and,
2. The terms of any recommended corrective action;

Where the Integrity Commissioner finds that there has been a contravention of the Code of Conduct, the Report must contain sufficient information for the Municipality or Local Board to determine whether or not to impose corrective action under section 5.7.

### ***10.3. Report to Council or Local Board***

Upon receipt of the Report, the Clerk shall indicate on the regular agenda of Council or the Local Board, notice of intent from the Integrity Commissioner to submit a Report for consideration at the following regular meeting.

The Respondent shall have the right of reply when the Report is considered by the Municipality or the Local Board.

Upon review of the Report, Council shall pass a resolution stating whether or not it intends to take action in response to the Report, and if so, what action Council will take.

### ***10.4. Publication of reports***

The Municipality and each Local Board shall ensure that reports received from the Integrity Commissioner by the Municipality or by the Local Board, as the case may be, are made available to the public upon request.

## 11. Bad Faith Applications or Requests

If a person or entity makes a request or application for an inquiry hereunder and the Integrity Commissioner determines such request or application is made in bad faith, notwithstanding anything to the contrary in protocol, the Integrity Commissioner may disclose all relevant information concerning the request or application to the Municipality such that the Municipality may pursue any recourse available against the individual or entity. Examples of bad faith include, but are not limited to, making a report knowing the allegations therein are untrue or making a report for an improper purpose.

## 12. Indemnity

The Municipality shall indemnify and save harmless the Integrity Commissioner, or any person acting under the instructions of the Integrity Commissioner, for costs reasonably incurred by either of them in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance or intended performance of a duty or authority hereunder or an alleged neglect or default in the performance in good faith of such duty or a by-law passed under Part V.1 of the *Municipal Act, 2001*. For greater certainty, nothing in this section affects the application of section 448 of the *Municipal Act, 2001* with respect to a proceeding referred to in this section.

## 13. Protocol review

The Municipality will review this Policy as often as it deems reasonably necessary and will post the most current version of this protocol on its website.



## SCHEDULE "A"

### INTEGRITY COMMISSIONER REQUEST FOR INQUIRY CODE OF CONDUCT

This form will be used to request the Integrity Commissioner conduct an inquiry of an alleged Code of Conduct contravention	Submit completed complaint in a sealed envelope to: <b>Integrity Commissioner</b> <b>Request for Inquiry Re Code of Conduct</b> <b>[Integrity Commission Contact Information]</b>
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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 (please use separate page(s) if required)		
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		
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">Signature:</td> <td style="width: 50%; border: none; vertical-align: top;">           Date:             Year:                      Month:                      Day:         </td> </tr> </table>	Signature:	Date:  Year:                      Month:                      Day:
Signature:	Date:  Year:                      Month:                      Day:	

#### FOR OFFICE USE ONLY

Date Received Year:              Month:              Day:	Request #:	Comments:
Personal information contained on this form is collected under the authority of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> and will be used for the purpose of requesting an inquiry.		

## SCHEDULE “B”

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

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

MAKE OATH AND SAY (or AFFIRM):

1. I have personal knowledge of the facts as set out in this affidavit, because: (insert reasons - e.g. I work for/I attended a meeting at which, etc.)
2. I have reasonable and probable grounds to believe that a Member, namely: (insert specify name of Member)

has contravened section(s) \_\_\_\_\_ (specify section(s) 5, 5.1 or 5.2) of the *Municipal Conflict of Interest Act*, RSO 1990, c M.50. 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 of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ )  
 \_\_\_\_\_, 20\_\_\_\_ )  
 \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 \_\_\_\_\_ )

A Commissioner etc.

## **TOWN OF FORT FRANCES**

### **BY-LAW NO. 04/19**

(Being a by-law to adopt a Code of Conduct for Members of Council, Local Boards and Committees of the Corporation of the Town of Fort Frances)

WHEREAS the Municipal Act, 2001, as amended, provides municipalities with the powers of a natural person to enable them to govern their affairs as they consider appropriate under this or any other Act and to enhance their ability to respond to municipal issues;

AND WHEREAS section 223.2 of the Act, as amended, authorizes a municipality to establish a code of conduct for members of the Council of the municipality;

AND WHEREAS the establishment of a Code of Conduct reflects the principles of transparent and accountable government;

AND WHEREAS ethics and integrity are essential to the effective and fair operation of government and to the assurance of public confidence and trust in government and in the political process;

AND WHEREAS elected officials are expected to perform their duties in a manner that promotes public confidence and avoids the improper use of their office;


AND WHEREAS Council deems it expedient to adopt a Code of Conduct for the Town of Fort Frances pursuant to the Act, as amended;

NOW THEREFORE Council for the Corporation of the Town of Fort Frances HEREBY ENACTS as follows:

1. That the "Code of Conduct" attached hereto as Schedule A to this by-law be approved.
2. That the Integrity Commissioner Inquiry Protocol attached hereto as Schedule B (with Appendix') to this by-law be approved.
3. In the event that a section or sections of this by-law 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.

This by-law shall come into force and take effect on the final passing thereof.

READ THREE TIMES and finally passed in open Council this 25<sup>th</sup> day of February 2019.

  
J. Caul, Mayor

  
E. Slomke, Clerk