

**THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD**

**BY-LAW 73-2024**

Being a By-law to Adopt a Code of Conduct for Members of Council of the Village of Merrickville-Wolford

WHEREAS section 11(2) of the *Municipal Act, 2001, c.25*, as amended, authorizes municipalities to pass by-laws regarding Accountability and Transparency of the municipality and its operations and of its local boards and committees and their operations;

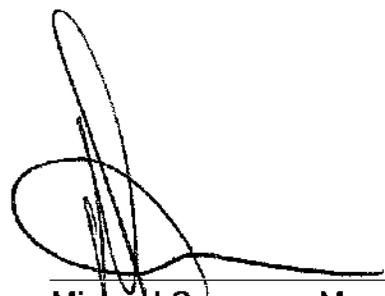
AND WHEREAS Section 223.2 (1) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that municipalities shall establish code of conducts for members of the council and of its local boards;

AND WHEREAS it is deemed appropriate and proper to establish a new code of conduct for members of council and to enact a by-law in this regard;

NOW THEREFORE the Council of the Corporation of the Village of Merrickville-Wolford hereby enacts as follows:

1. That the Council Code of Conduct is hereby adopted as set out in Schedule "A" attached hereto and forming part of this By-law.
2. That this By-law shall come into force and take effect on January 1, 2025.

Read a first, second and third time and passed on the 9<sup>th</sup> day of December 2024.



Michael Cameron, Mayor



Julia McCaugherty-Jansman, Clerk

# **Village of Merrickville-Wolford Council Code of Conduct Schedule A to By-law 73-2024**

## **Section 1: Policy Statement**

The purpose and intent of the Council Code of Conduct is to establish standards of conduct for Members of Council, and Members of Local Boards and Committees in the individual conduct of their official duties. The Code aims to ensure that elected officials and members of Boards and Committees share a common basis of acceptable conduct. These standards are designed to supplement the legislative parameters governing conduct and to enhance public confidence that the Village of Merrickville-Wolford's elected and appointed officials operate on a basis of integrity, justice, and courtesy.

## **Section 2: Statutory Provisions Regulating Conduct**

In addition to the Code, Members are required to comply with existing provincial and federal legislation, including but not limited to:

- a) *Municipal Act, 2001*, S.O. 2001, c. 25;
- b) *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50;
- c) *Municipal Freedom of Information & Protection of Privacy Act*, R.S. 190, C M. 56;
- d) *Municipal Elections Act, 1996*, S.O. 1996, c.32;
- e) *Occupational Health and Safety Act*, R.S.O. 1990, c O.1
- f) Human Rights Code, R.S.O. 1990, c H.19; and
- g) Criminal Code, R.S.C., 1985, c. C-46

## **Section 3: Application**

This Code and the references within it, shall apply to all Members of the Corporation's Council, including the Head of Council. This Code applies equally to all Members of Local Boards, and Council Committees.

## **Section 4: Definitions**

For the purpose of this Code:

- a) "Child" means a child born within or outside a marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family, or as defined under the *Municipal Conflict of Interest Act* as may be amended from time to time.
- b) "Clerk" means the Municipal Clerk of the Corporation.
- c) "Code" means this Code of Conduct.
- d) "Complaint" means an alleged contravention of this Code.
- e) "Confidential Information" includes information in the possession of, or received in confidence by the Corporation, that the Corporation is prohibited from disclosing, or that the Corporation chooses not to disclose under the *Municipal Freedom of*

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*Information and Protection of Privacy Act* (“MFIPPA”), or other legislation. Confidential Information also includes all information concerning matters dealt with at closed meetings, information that is marked as “confidential”, information obtained by a 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) “Corporation” means the Corporation of the Village of Merrickville-Wolford.
- g) “Corporation Property” means items, services or resources which are the property of the Corporation including but not limited to: materials, equipment, vehicles, facilities, technology, Corporation developed computer programs of technological innovations, databases, intellectual property, Corporation-owned images, logos, coat of arms, and supplies.
- h) “Council” means the Council of the Corporation of the Village of Merrickville-Wolford.
- i) “Council Committee” means an Advisory, Reference, Standing or Special Committee of Municipal Council, established by by-law or resolution of Council and as amended from time to time.
- j) “Family Member” includes:
  - i. A Spouse of the Member;
  - ii. A 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.
- k) “Gifts and Benefits” means any cash or monetary equivalent, fee, object of value, advantage, service, travel and accommodation, or entertainment.
- l) “Integrity Commissioner” means the integrity commissioner appointed by Council pursuant to the *Municipal Act, 2001*.
- m) “Local Board” means a local board as defined in section 223.1 of the *Municipal Act, 2001*.
- n) “Member” includes an elected member of the Municipal Council and all members of Boards and Committees of the Municipality.
- o) “Member of Council” means the Mayor, Deputy Mayor or Councillor of the Corporation.

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- p) “Office” means the authority and duties attached to the position of being an elected Member.
- q) “Official Duties” means the public duties of a Member and includes functions performed by Members necessary to demonstrate responsible and accountable government with respect to matters within the Corporation or Local Board’s jurisdiction, and which are done for the purpose of providing good government with respect to those matters.
- r) “Parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family, or as defined under the *Municipal Conflict of Interest Act*, as may be amended from time to time
- s) “Personal Benefit” means forms of advantage other than financial such as seeking an appointment, promotion or transfer within the Corporation on behalf of a family member and includes the private interests of a Member.
- t) “Private Interest” means all of the activities of a Member not included in the term defined as “Official Duties”.
- u) “Spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside of marriage, or as defined in the *Municipal Conflict of Interest Act*, as may be amended from time to time.
- v) “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 and therefore are not Staff.

## Section 5: General Standards of Conduct

### 5.1 Members shall at all times:

- a) Act honestly and ethically. No Member shall make a statement when they know that the statement is false. No Member shall make a statement with the intent to mislead Council, other Members, or the public.
- b) Perform their functions with integrity, accountability, and transparency.
- c) Serve their constituents in a conscientious and diligent manner.
- d) Treat members of the public, staff, and each other in a respectful manner, without abuse, bullying, harassment, or discrimination.
- e) Perform Official Duties and arrange their public affairs in a temperate and self-disciplined manner that promotes public confidence and respect and will bear close public scrutiny.
- f) Comply with all applicable legislation, by-laws, and municipal policies, including this Code of Conduct

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#### Section 6: Gifts and Benefits

- 6.1 The objective of these provisions is to ensure Members make decisions based on impartial and objective assessments of each situation, free from influence of gifts, favours, or other benefits.
- 6.2 For these provisions, gifts, commissions, hospitality, rewards, advantages, or benefits of any kind may be interchanged and shall be deemed to include all the aforementioned. Furthermore, a gift or benefit provided with the Member's knowledge to a Member's spouse, child, parent, brother, sister, father-in-law, mother-in-law, sister-in-law and/or brother-in-law that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to the Member.
- 6.3 Any stipend paid to a Member is intended to fully remunerate the Member for their service to the Municipality.
- 6.4 Members shall comply with the provisions of the Corporation's Human Resource Policy, as may be amended from time to time, for expense reimbursement.
- 6.5 Members are prohibited from soliciting, accepting, offering, or agreeing to accept any gifts, commissions, hospitality, rewards, advantages or benefits of any kind, personally or through a Family Member or associate (business or otherwise), that is connected directly or indirectly with the performance of duties of office or could reasonably be construed as being given in anticipation of future, or recognition of past, special consideration by the Member, unless permitted by one or more of the exceptions listed below:
  - a) compensation or benefit authorized by Council;
  - b) such token 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 offered, accepted, and reported in accordance with applicable law;
  - d) services provided without compensation by persons volunteering their time for election campaign, provided the services are properly valued in accordance with the *Municipal Elections Act*;
  - e) token gifts, souvenirs, or hospitality received in recognition for service on a committee, for speaking at an event or for representing the Municipality at an event;
  - f) food, lodging, transportation and entertainment provided by other levels of governments, by other local governments, or by local government boards or commissions;
  - g) food and beverages consumed at banquets, receptions, or similar events;

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- h) communication to the offices of a Member, including subscriptions to newspapers and periodicals.
- 6.6 Except in the case of category a) or f), a member may not accept a gift or benefit worth in excess of \$200.00, or gifts and benefits from one source during a calendar year worth in excess of \$200.00. For all other exceptions, if the value of the gift or benefit exceeds \$200, or if the total value received from any one source during the calendar year exceeds \$200, the Member shall, within thirty (30) days of receipt of the gift or reaching the annual limit, file a disclosure statement with the Integrity Commissioner. A disclosure statement is required even if the gift or benefit triggering the requirement is immediately returned. The disclosure statement must indicate:
- a) the nature of the gift or benefit;
  - b) its source and the date of receipt;
  - c) the circumstances under which it was given or received;
  - d) its estimated value; what the recipient intends to do with any gift; and
  - e) whether any gift will at any point be left with the Corporation.
- 6.7 Any disclosure statement will be a matter of public record.
- 6.8 On receiving a disclosure statement, the Integrity Commissioner shall examine it to ascertain whether the receipt of the gift or benefit might, in the Integrity Commissioner's opinion, create a conflict between a private interest and the public duty of the Member. In the event that the Integrity Commissioner makes the preliminary determination that the receipt of the gift may create a conflict, he or she shall call upon the Member of Council to justify the receipt of the gift or benefit.
- 6.9 Should the Integrity Commissioner determine that receipt was inappropriate, he or she may direct the member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, forfeit the gift, or remit the value of any gift or benefit already consumed to the Corporation.

### **Section 7: Confidential Information**

- 7.1 Members shall not disclose or release by any means, or in any way divulge any Confidential Information, except when required by law or authorized by Council resolution to do so.
- 7.2 Members shall not use Confidential Information to further or seek to further the Member's private interest or to further or seek to further another person's private interest.
- 7.3 Members shall not release information subject to solicitor-client privilege unless expressly authorized by Council or required by law to do so.
- 7.4 Under the Corporation's Procedure By-law as amended from time to time a matter that has been discussed at an in-camera meeting remains confidential. Members

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have a duty to hold information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. Members shall not either directly or indirectly, release, make public or in any way divulge the content of any such matter, or the substance of deliberations, of the in-camera meeting including memorandums and staff reports that are distributed for consideration during the in-camera meeting to anyone, unless specifically authorized by Municipal Council resolution or required by law.

- 7.5 Members of Council shall not access or attempt to gain access to Confidential Information in the custody of the Corporation unless it is necessary for the performance of their duties and not prohibited by Council or Corporation policy or by-law.
- 7.6 Members are only entitled to information in the possession of the Corporation that is relevant to matters before the Council or the committee at issue. Otherwise, Members enjoy the same level of access rights to information as any other member of the community and must follow the same process as any private citizen. All requests for information shall be made in public form at a Council meeting or Committee meeting.

### **Section 8: Use of Township Property, Services and Other Resources**

- 8.1 No Member shall for personal purposes or profit, use or permit the use of any Corporation Property other than for purposes connected with the discharge of Corporation duties or associated community activities of which Council has been advised, unless the use is reasonable and incidental personal use of equipment such as computers, fax machines, cell phones etc. where the Corporation incurs no additional costs relating to such use, and the use is of limited duration and frequency.
- 8.2 This policy does not apply to the use of Corporation Property where such use is universally known to be available to other residents upon request and on equal terms.
- 8.3 No Member shall obtain personal benefit or financial gain from the use or sale of Corporation Property, since all such property remains exclusively that of the Corporation.
- 8.4 Members shall not use Corporation Property for any election campaign activities. No Member shall undertake campaign related activities on Corporation Property or use the services of Staff during work hours for election-related purposes. For the purposes of this provision, Staff shall include any person under contract with the Corporation or receiving remuneration from the Corporation for any service.

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## **Section 9: Improper Use of Influence**

- 9.1 No Member shall use the status of their position to influence the decision of another individual or Council to the private advantage of the Member or the Member's Family Member.
- 9.2 For the purposes of this provision "private advantage" does not include a matter:
  - a) that affects a Member, and/or his Family Member as one of a broad class of persons; or
  - b) that concerns the remuneration or benefits of a Member as authorized by Council.

## **Section 10: Conduct at Meetings and Public Events**

- 10.1 Members shall conduct themselves with decorum at Council and Committee meetings in accordance with the provisions of the Corporation's Procedural By-law and this Code of Conduct, as may be amended from time to time.
- 10.2 Members may be requested to make public presentations outside of Council, Committee, Board and other meetings or to attend public events as representatives of the Corporation. At any such event, Members shall conduct themselves with dignity and decorum, in a manner befitting of a representative of the Municipality.

## **Section 11: Conduct Respecting Staff**

- 11.1 Mutual respect and cooperation are required to achieve the Council's corporate goals and implement the Council's strategic priorities through the work of staff.
- 11.2 Council, as a whole, can dictate that Staff perform such duties as are necessary for the efficient management of the affairs of the Corporation, and/or research such matters as the Council deems necessary. Council, as a whole, directs staff through its decisions as recorded in the minutes and resolutions of Council. Such directions from Council to Staff shall be through the Chief Administrative Officer. Members have no individual capacity to direct members of staff to carry out particular functions.
- 11.3 Inquiries of staff from Members should be directed to the CAO or the appropriate senior staff as directed by the CAO. Operational inquiries and complaints received by Members from the public shall be addressed by Members as follows:
  - a) Members who are approached by the public with inquiries/complaints regarding operational matters should encourage the party to contact the appropriate department for review/resolution.
  - b) where the member of the public is reluctant to contact the department directly, the Member should take the person's name, phone number and details of the inquiry/complaint and advise them that the matter will be referred to the Chief Administrative Officer for review/resolution.

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- c) where the inquiry/complaint is not resolved to the satisfaction of the member of the public, then the Member shall refer the member of the public to the Corporation's complaint policy for any further action.
- 11.4 Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council. Staff have a duty and obligation to act impartially, and in accordance with prescribed regulations or standards of conduct. Employees with professional designations have additional duties and obligations to act in accordance with standards of conduct prescribed for their profession. Members shall refrain from any conduct which may deter, interfere, or unduly influence employees in the performance of their duties and obligations.
- 11.5 Certain employees are employed within the administration of justice. Members shall refrain from making requests or statements or taking actions which may be construed as an attempt to influence the independent administration of justice.
- 11.6 Accordingly, no member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all Members shall show respect for the professional capacities of the staff of the Corporation.

#### **Section 12: Role of the Integrity Commissioner**

- 12.1 The Integrity Commissioner shall be appointed by by-law of the Corporation and shall operate independently of Council in accordance with all the authority and powers granted under the *Municipal Act*, which includes the authority and power to give advice and investigate complaints.

#### **Section 13: Request for Advice or Opinions – Integrity Commissioner**

- 13.1 Members or Council may request advice or opinions from the Integrity Commissioner with respect to:
- a) The obligations of the Member under the *Municipal Conflict of Interest Act*;
  - b) The obligations of the Member under this Code; and
  - c) The obligations of the Member under a procedure, rule, or policy of the Corporation governing the ethical behaviour of the Member.
- 13.2 Every request for advice or opinion shall be submitted in writing to the Clerk, who shall forward the request to the Integrity Commissioner for a response. Members may submit a request for advice or opinion directly to the Integrity Commissioner where the nature of the request is confidential.
- 13.3 The Integrity Commissioner shall not provide to any Member any advice or opinion with respect to the obligations of another Member.
- 13.4 Members shall be mindful of the cost to the Corporation to obtain the advice of the Integrity Commissioner and shall not abuse this entitlement. Council may require any Member to undertake training where Council determines that the Member has

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requested opinions or advice more frequently than is reasonable in the circumstances. The nature of the training will be to better explain the Member's obligations under this Code and the *Municipal Conflicts of Interest Act* to better enable the Member to govern his or her conduct without seeking advice unnecessarily.

- 13.5 The advice and opinions received by any Member are personal to the Member and are considered confidential. No opinion or advice may be shared by the Integrity Commissioner without the written permission of the Member who requested the opinion or advice. The Member may grant permission to share part of an opinion or advice, but in circumstances where the Member shares only a portion of an opinion or advice, the Integrity Commissioner may release all or a part of the opinion or advice without the consent of the Member.
- 13.6 Any written advice given by the Integrity Commissioner to a Member binds the Integrity Commissioner in any subsequent consideration of the conduct of the Member in the same matter as long as all the relevant facts known to the Member were disclosed to the Integrity Commissioner, and the information or facts have not changed in the interim.

#### **Section 14: Complaints and Investigations**

- 14.1 Any individual, including members of the public, staff, or Members who has reasonable grounds to believe that a Member has breached a provision of the Code, may address it informally through steps identified in 14.2 and/or proceed with a formal complaint as set out in 14.3.
- 14.2 Any individual who has identified or witnessed behaviour or activity by a Member that appears to be in contravention of the Code may address their concerns informally by discussing the issue with the Member and encouraging the Member to stop the behaviour or activity at issue. If applicable, the individual with the concern should confirm their satisfaction or dissatisfaction with the response of the Member and also keep a written record of incidents and any other relevant information, including steps taken to resolve the matter. If not satisfied with the response received through these informal steps (or if the individual chooses not to proceed with these informal steps), an individual may proceed with a formal complaint through the Integrity Commission as outlined below.
- 14.3 Any individual who has identified or witnessed behaviour or activity by a Member that appears to be in contravention of the Code may address their concerns through the formal complaint process set out below:
- a) Any formal Complaints must be made in writing and shall be dated and signed by the complainant. Formal complaints must be submitted within six weeks of the matter becoming known to the individual and no more than six months after the alleged violation occurred. No action will be taken on a complaint received beyond these deadlines.

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- b) The complainant must include an explanation as to why the issue raised may be a contravention of the Code and any evidence in support of the allegation must be included.
  - c) Any witnesses of the alleged conduct must be identified in the Complaint.
  - d) The Complaint must include the name of the Member alleged to have breached the Code, the section of the Code allegedly contravened, the date, time and location of the alleged contravention and any other information as required.
  - e) The Complaint shall be filed with the Integrity Commissioner who shall confirm that the information is complete as to a), b), c), and d) of this section. The Integrity Commissioner will determine whether the matter is, on its face, a Complaint with respect to non-compliance with the Code.
  - f) The Integrity Commissioner may request additional information from the complainant.
- 14.4 If upon review of a Complaint, the Integrity Commissioner is of the opinion that the Complaint is frivolous, vexatious or not made in good faith, or that there are no or insufficient grounds for an investigation, the Integrity Commissioner will not conduct an investigation and shall communicate this position in writing to the complainant and the Member identified in the Complaint Form.
- 14.5 If at any time, following the receipt of a formal Complaint or during the investigation process, the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued without a formal investigation, and both the complainant and the Member agree, efforts may be made to achieve an informal resolution.
- 14.6 If the Integrity Commissioner determines that a formal investigation is required, he or she shall proceed in the following manner, except where otherwise required by the *Public Inquiries Act*.
- 14.7 The Integrity Commissioner shall provide a copy of the Complaint and any supporting materials to the Member whose conduct is in question with a request that a written response to the allocation be provided within fourteen (14) days.
- 14.8 The Integrity Commissioner shall give a copy of the response provided by the Member to the complainant with a request for a written reply within fourteen (14) days.
- 14.9 If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials, and may enter any Corporation work location relevant to the Complaint for the purpose of investigation and potential resolution.
- 14.10 The Integrity Commissioner may make interim reports to Council where necessary and as required to address any issues of interference, obstruction, delay or retaliation encountered during the investigation.

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- 14.11 At any time, the complainant may abandon the request for an investigation and the Integrity Commissioner will cease his or her investigation.
- 14.12 Upon completion of an investigation, the Integrity Commissioner shall report to the complainant and Member on the results of his or her review within ninety (90) days of receiving a complete Complaint. If the investigation process is going to take more than ninety (90) days, the Integrity Commissioner shall provide an interim report to the complainant and Member indicating when the complete report will be made available.
- 14.13 If during the investigation process, the Complaint is withdrawn, sustained or resolved, the Integrity Commissioner shall report to Council outlining the findings, the terms of any resolution and any recommended action within thirty (30) days.
- 14.14 If upon completion of the investigation the Integrity Commissioner finds that a breach of the Code has occurred, the Integrity Commissioner shall report his or her findings to Council including a recommendation regarding the appropriate sanction, which may include:
- a) a reprimand;
  - b) suspension of remuneration paid to the Member for a period of up to ninety (90) days.
- 14.15 If upon completion of the investigation, the Integrity Commissioner finds that there has been no contravention of the Code, or that a contravention occurred, however, the Member took all reasonable measures to prevent it, or the contravention committed was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall set this out in its report to Council.
- 14.16 The Integrity Commissioner and every person acting under his or her instructions shall preserve the confidentiality of all documents, material or other information, whether belonging to the Corporation or not, that come into their possession or to their knowledge during the course of their duties as required by section 223.5 of the *Municipal Act*.
- 14.17 If the Integrity Commissioner reports to the Council on an investigation into the alleged breach of the Code, the report shall only disclose such information that in the Integrity Commissioner's opinion is required for the purposes of the report.
- 14.18 If the Integrity Commissioner issues an annual or other periodic report to Council on his or her activities, the Integrity Commissioner shall summarize the advice he or she has given but shall not disclose confidential information that could identify a person concerned.
- 14.19 Members of Council shall respect the integrity of the Code. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commissioner is therefore prohibited. It is also a violation of the Code to

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obstruct the Integrity Commissioner in the carrying out of his or her responsibilities, as for example, providing inaccurate or misleading information to the Integrity Commissioner, refusing to answer inquiries or by the destruction of (records) documents or the erasing of electronic communications.

- 14.20 Council shall consider the report of the Integrity Commissioner within thirty (30) days of it being received by the Clerk and shall take the action it considers appropriate with regard to the recommendation(s) of the Integrity Commissioner.
- 14.21 In circumstances where the alleged breach of trust or other misconduct is serious in nature, Council may pass a resolution pursuant to the *Municipal Act, 2001*, requesting a judicial investigation into the Member's conduct.
- 14.22 No Complaint regarding a Member who is a candidate in an election may be referred to the Integrity Commissioner for review and/or investigation between Nomination Day and the date of the inaugural meeting of Council in any year in which a regular municipal election will be held. Any Complaint received after Nomination Day shall be deemed received by the Integrity Commissioner on December 1 in a regular election year and the complainant shall be so advised on this process. The time elapsed between Nomination Day in a regular election year and the inaugural meeting of the newly elected Council shall not be included in the time calculation referred in the complaints procedure.
- 14.23 Any reports will proceed to the first meeting held after the inaugural meeting of the new Council.
- 14.24 The Integrity Commissioner shall file an annual report no later than six (6) months after their initial appointment and by March 31 annually thereafter. In completing its annual report to Council, the Integrity Commissioner shall include information on the nature and volume of activity for the past year and provide examples, anonymized in respect of advice provided and the nature of complaints received and addressed.
- 14.25 The annual report of the Integrity Commissioner shall be provided to Council for information purposes. The report is a public document.