



MUNICIPAL AND MARINE HERITAGE COMMITTEE AGENDA

Wednesday, April 17, 2024

10:00 AM

Hybrid Meeting (Electronic Platform and In-Person in the Town Hall Menesetung Room)

If you wish to attend this virtual meeting by audio or video conference, please contact Andrea Rowntree at arowntree@goderich.ca or 519-524-8344 Ext. 204

	Pages
1. CALL TO ORDER	
2. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF	
3. UNANIMOUS MOTION	
Moved by: _____	
Seconded by: _____	
That Municipal and Marine Heritage Committee hereby unanimously consents to discussing and considering the following at the April 17, 2024, Special meeting at 10 AM.	
1. Orientation with the new committee appointments and workplan discussions	
4. APPROVAL OF AGENDA AND ADOPTION OF MINUTES	
4.1 Approval of the Agenda	
Moved by: _____	
Seconded by: _____	
That the Municipal & Marine Heritage Committee hereby accepts the April 17, 2024, Special Agenda, as presented.	
5. WORK PLAN	3
6. NEW AND GENERAL BUSINESS	
6.1 Municipal and Marine Heritage Committee Orientation Package - Andrea Fisher, Director of Legislative Services/Clerk	5
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6.2.8	Municipal Freedom of Information and Protection of Privacy Act	
	Website Link: <u>Municipal Freedom of Information and Protection of Privacy Act</u>	
6.2.9	Municipal Conflict of Interest Act	
	Website Link: <u>Municipal Conflict of Interest Act</u>	

7. PRESS REPORTERS AND CITIZEN QUESTION AND ANSWER PERIOD

8. ADJOURNMENT

Moved by: _____

Seconded by: _____

That there being no further business, the Municipal and Marine Heritage Committee does now adjourns at pm.

Work Plan Item	Topics	Committee Member Project Lead	Time Interval in 2024	Status	Notes
1. Review Heritage By-Laws	By-Law 8 of 2022 By-Law 30 of 1994	Staff	Q4 2024	Not Started	Refer to town staff to review
2. Letter to Town of Goderich property owners regarding a refresh on heritage designation status	Heritage rules and supports to those located in the Heritage District and to designated properties	Committee	Q3 2024	Not Started	to be addressed and mailed
3. Goderich 200th Anniversary - Council Direction	Celebration	At the discretion of Council		Not Started	
4. Community Awareness	Brochures, Signage and Kiosks	Committee and work with Tourism staff	Q2 2024	In Progress	Public information Trails Heritage Walks Heritage Parks
5. Community Workshops to promote heritage to youth in the community	Q	Committee	Q4 2024	Not Started	engagement of youth
6. Heritage Permit Applications	to review and recommend action when required	Jason and input from Committee when required		In Progress	
7. Liaison with BIA & Tourism	Promote Heritage with Tourism	Vicky Culbert and Tourism staff		In Progress	Vicky to provide reports regarding Heritage updates at the BIA Board of Management meetings
8. Heritage input to Rebuilding Downtown Infrastructure Task Force to streetscape, signage and landscaping for Town assets where appropriate		Committee at the discretion of the Task Force		Not Started	Connect with Rebuild Task Force closer to end state of streetscape design (2025)
9. Heritage Recognition Certificates		Committee	Q1 2024 Q2 2024 Q3 2024 Q4 2025	In Progress	Mayor to sign
10. Bill 23	Letter from Committee regarding Bill 23, potential for an invitation to come and learn about the benefits of heritage designation	Jason with input and review from the Committee	Q2 2024	In Progress	further discussion required

	Q1 2024
	Q2 2024
	Q3 2024
	Q4 2024

Municipal and Marine Heritage Committee Orientation Package

January 31, 2024

Introduction

Welcome to the Town of Goderich Municipal and Marine Heritage Committee. We thank you for submitting your name and interest to serve on this Committee.

While serving on a Town Committee, you participate in representing the Town and its values. As an extension of the Town's leadership, committee members are expected to abide by the by-laws and policies of the Town, including following regulations that are particularly relevant to committee work.

At the request of the Chief Administrative Officer, this Orientation Package has been assembled to supply you with basic information on the Committee, various policies, how Committees operate, and rules that all municipalities and their Committee citizen appointments must follow.

Thank you for your participation.

For further information on any of the policies or information contained in this package, please contact:

Andrea Fisher
Director of Legislative Services/Clerk
Town of Goderich
afisher@goderich.ca
519-524-8344 ext. 210

General Information

What is a Meeting?

The Municipal Act defines “meeting” as any regular, special, or other meeting of council, or a local board or of a committee of either of them, where:

- a) A quorum of members is present, and
- b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board, or committee.

All Municipal and Marine Heritage Committee meetings are conducted both in person and via electronic format, are recorded and live streamed. Recordings are posted on the Town’s website.

What is Quorum?

A quorum is the minimum number of members of a body required to be present at a meeting for a body to exercise its power or authority. This number is 50% plus one.

Committees must follow the open meeting rules that can be found in the Town’s Procedural By-Law, including providing public meeting notice, recording minutes, passing a resolution before closing a meeting, and restricting the discussion during the closed meeting to matters that fit within the exceptions.

What are Terms of Reference?

Terms of Reference describe the purpose and structure of a committee, board, or task force that has been established by Council including the group’s scope and limitations. All Terms of Reference for each Committee have been adopted by Council, and as such are required to be followed. Committee members must always remain within the scope and context of the Terms of Reference. Any amendments, deletions and additions to the Terms of Reference must be approved by Council.

ROLES

Role of the Committee

Committees are responsible for undertaking work referred to them by Council and/or staff and working within the guidelines and mandate outlined in the Terms of Reference and Workplan. Committees are an advisory board of Council, provide information and well-considered recommendations to Council and/or staff on issues that fall within the Committee's mandate only. Council is the final decision maker of policies and programs.

How are Committee Members chosen?

Following direction from Council, the Director of Legislative Services/Clerk will advertise for members of a Committee on the Town's website and social media and may advertise in the local newspapers. Applications are received and reviewed, and the Chief Administrative Officer and Director of Legislative Services/Clerk make a recommendation to Council on the appointments. Appointments are then considered and approved by Council via bylaw.

Role of the Committee Member

Committee members are responsible for:

- Attending and actively participating in committee meetings as scheduled;
- Preparing for meetings (reading agenda materials prior to meeting);
- Engaging in collaborative, respectful discussions relating to topics on the published agenda, including sharing thoughts, opinions, and recommendations;
- Maintaining an open mind and allowing for a variety of opinions to be heard;
- Voting on motions that are put forward by committee members;
- Notifying the Chair and Secretary (Staff member appointed to the Committee) and/or the Director of Legislative Services/Clerk if they are unable to attend a scheduled meeting; and
- Adhere to the Terms of Reference and scope of the workplan once determined and approved by the Committee.

Committee members are reminded that attendance is vital to ensure quorum during meetings. Without quorum, the committee is unable to have an official meeting and cannot pass recommendations to Council.

Committee members will maintain a standard of professional and respectful communication in all their interactions associated with the Town. This includes in person conversations, online interactions and personal social media posts, and all written correspondence. Committee members will not post derogatory, defamatory, or otherwise inappropriate comments about the Town, its work, or any persons associated with or employed by the Town. Committee members are not designated spokespersons for the Town and will therefore not speak on behalf of the Town.

Role of the Chair and Co-Chair

The Chair of a committee meeting is the host and facilitator of the meeting. They are responsible for ensuring that the committee sticks to the agenda, remains respectful and professional throughout the meeting, and follows appropriate procedures pertaining to motions and voting (as outlined in the Town's Procedural By-Law included in the agenda package). Staff are there to provide support to the Chair as needed. Specifically, as per the Terms of Reference, the role of the Chair and Co-Chair include:

- a) Preside at the meetings of the Municipal and Marine Heritage Committee as per the Town's Procedural By-Law, and to keep discussion on topic.
- b) Provide leadership to the Municipal and Marine Heritage Committee to focus on its mandate as an advisory committee of Council.
- c) Recognize each member's contribution to the Committee's work.
- d) Liaise with the Director of Legislative Services/Clerk and Building Services Manager/Chief Building Official
- e) Make deputations, presentations, etc., before Council.

It is noted that the Co-Chair may serve as a replacement for the Chair, presiding over meetings when the Chair is unable to attend. All the Chair's powers can be delegated to the Co-Chair, and the Co-Chair can preside over a committee meeting while the office of the Chair is vacant.

In the event both the Chair and Co-Chair are absent at a meeting, the Secretary shall call the Members to order, if a quorum is present. A Chair shall then be chosen by the Members present by motion, who shall preside during the meeting or until the Chair or Co-Chair are in attendance.

Role of the Secretary (Staff Appointment)

The role of the Municipal and Marine Heritage Committee Secretary (Staff appointment) is to serve as the Committee Secretary and will provide support for the activities of the Municipal and Marine Heritage Committee. The Town's Administrative Assistant to the CAO and Director of Legislative Services/Clerk shall perform administrative responsibilities for the Committee (record the meeting, take the minutes, etc.) at the meeting, and provide a copy of the minutes to the Town Clerk's office for review.

Other Town staff may be requested for advice or participation with a particular area of expertise. The Committee Secretary will coordinate, through consultation with the Chair, the request made by the Committee.

Role of the Councillor Appointment(s)

Members of Council are given the opportunity to serve on committee(s) of interest and are appointed by Council. The Council Appointment within the committee provides advice and support relevant to the decisions at hand. The role of the Council Appointment(s) includes:

- a) Acting as an informal liaison between the Committee and Council
- b) Communicating Council's perspective on Council matters where appropriate.

Agendas and Minutes

Agendas will be prepared by the Clerk's Department in consultation with the Secretary (Staff appointment). The goal is to have digital copies of the agenda package to each Committee member 3 days prior to the meeting, and earlier if work schedules allow. When the Agenda is prepared, it is posted on the Town's website and no additions shall be made to the agenda at the meeting.

The agenda will contain the following items:

1) **Call to Order (formal vote not required)**

The Chair will call the meeting to order as soon after the advertised start time as there is quorum in the room. If quorum has not been reached after 15 minutes, the meeting is cancelled.

2) **Disclosure of Pecuniary Interest and the General Nature Thereof** (see page 7)

3) **Approval of the Agenda and Adoption of the Minutes (formal vote)**

The committee will approve the agenda at the beginning of each meeting through a formal vote. The committee will review and vote to adopt the draft minutes from their previous meeting. The draft minutes are approved by a formal vote and will be included in the agenda package for the committee's review in advance of the meeting. If you identify any errors or omissions, please inform the Director of Legislative Services/Clerk in advance of the meeting via email at afisher@goderich.ca. If amendments are requested to the minutes and the committee agree, the minutes will be approved by motion, "as amended".

4) **Deputations and Presentations**

The public will have an opportunity to attend as a deputation or submit comments in writing on specific items at Committee meetings. Delegations are permitted no more than ten (10) minutes, are timed, and must be arranged with the Director of Legislative Services/Clerk prior to agenda deadlines to be included on the next agenda.

5) **Correspondence**

A formal motion will be required to receive and file the correspondence.

6) **Unfinished Business**

Any unfinished business from previous meetings will be listed.

7) **New and General Business**

New and General Business will be listed, and formal motions may be required if there are decisions or recommendations that result from discussion.

8) **Workplan**

This will be a standing item on the Committee Agenda. Status of each workplan item will be discussed; lead person assigned for each initiative, additional resources required to achieve initiative, timeline to complete the initiative, and how the Committee measures success of each workplan initiative.

9) **Press Reporters and Citizens Question and Answer Period**

Members of the public may address the Committee at this time of the Agenda.

10) **Adjournment**

The Chair will adjourn the meeting once all items have been addressed and a formal motion is required with a mover and seconder.

Minutes from the meeting are recorded and submitted to Council for their review and information. This helps to ensure that Council and the public are kept apprised of the activities and recommendations from the committee. The Director of Legislative Services/Clerk reviews the final draft of the minutes and circulates to Council on the Council agenda.

Best Practices

The following points identify best practices to consider when participating on a committee:

1) **Read Agenda Packages Before the Meeting**

Reviewing the materials in your agenda package in advance of each meeting is crucial. It will give you a sense of the potential impacts that recommended actions may have on the community, and any potential issues surrounding those actions. Understanding the background of an issue will allow you to better represent your community, make informed decisions, and explain your position with confidence.

2) **Ask Questions in Advance**

Asking questions in advance of the meeting will provide staff with the necessary time to prepare for the conversation at the meeting.

3) **Be Respectful of Time**

Make every effort to follow and stick to the agenda provided. The Terms of Reference state that the Municipal and Marine Heritage meetings are to be no more than one and a half hour.

4) **Make Clear and Precise Motions**

In most cases, a motion will be directing some type of action to be taken. Therefore, the wording for a motion should be clear and concise. Staff can assist with this at the meeting.

5) **Attendance**

Please inform the Committee Secretary and/or the Director of Legislative Services/Clerk if you are going to be absent from a meeting to help ensure that quorum will be met.

Motions

There are six main steps to a motion:

- 1. Move**

A member will move the motion by stating, "I move that (insert motion details), or "So moved" if the recommended motion was already stated.

- 2. Second**

Another member raises their hand to second the motion by stating "I'll second the motion" or "Second."

- 3. State**

The Chair states the motion and confirms what has been moved/seconded (i.e., "It is moved and seconded that (repeat motion)).

- 4. Debate**

The Chair then opens the floor for discussion and debate. Raise your hand to signal to the Chair that you would like to speak. The Chair will call on committee members in the order in which they raise their hands. You can share your thoughts for or against the motion.

- 5. Vote**

Once everyone has shared their thoughts, the Chair will then put the motion to a vote by stating "I will now call the question on the motion: All in favour?" (Those voting in favour will raise their hands) The Chair will then ask "Opposed" (those voting in the negative will raise their hands). It is important that all members clearly indicate their vote by raising their hand.

- 6. Declare**

The Chair will then declare the results of the vote by stating "that carries", or "the motion is defeated."

Municipal Conflict of Interest Act

All Committee Members shall recognize and be aware of their obligations under the Municipal Conflict of Interest Act, as amended from time to time.

Additionally, members should be aware that some conflicts may be perceived in nature and will need to be considered on an individual basis to ensure the utmost integrity in the decision-making process.

Declaring a pecuniary interest is the responsibility of the individual member. It is not the role of the Chair, or other committee member or of any Town staff to provide advice or direction on a pecuniary interest to the individual members. When a member discloses a pecuniary interest, the member shall file a written statement of interest and its general nature with the Town of Goderich Director of Legislative

Services/Clerk or the Secretary of the Committee. Written statements filed with the Secretary will be forwarded to the Clerk for inclusion in the Town's Conflict Registry.

Members are encouraged to seek guidance from the Town's Integrity Commissioner when they become aware that they may have a conflict between their responsibilities to the public as a member and any other interest, pecuniary or non-pecuniary. Contact information for the Town's Integrity Commissioner:

Principles Integrity

Attention: Jeffrey A. Abrams and Janice Atwood-Petkovski

647-259-8697 or postoffice@principlesintegrity.org

A link to the Municipal Conflict of Interest Act and the Pecuniary Interest Form is included in your agenda package.

Meetings

All meeting must be open to the public, with some limited exceptions. The Municipal Act recognizes that there may be situations in which the privacy of an individual should be respected, or where open meetings would not serve the public interest or the interests of the municipality.

If a subject fits within one of the exceptions, it can be discussed in a closed meeting, provided that the municipality follows all the procedural rules, including giving notice of the meeting, passing a resolution in public to close the meeting, and keeping minutes of the closed meeting. During the closed meeting, the discussion must stay on topic and be limited to the subject matter stated in the resolution.

What are the exceptions?

A municipal or local board meeting, or part of a meeting, may be closed to the public if the subject of the meeting falls within one of the following exceptions set out in Section 239 of the Municipal Act. In brief, these include matters that relate to:

- The security of the property of the municipality
- Personal matters about an identifiable individual
- Acquisition or disposition of land
- Labour relations
- Litigation
- Advice subject to solicitor-client privilege
- Information supplied in confidence to the municipality by another level of government
- A trade secret or certain specific information supplied in confidence to the municipality, or that belongs to the municipality and has monetary value
- A plan or instruction to be applied to negotiations
- Education or training

12 of the 14 exceptions above are discretionary, meaning that whenever possible, a municipality should opt to discuss these subjects in public, in the interest of transparency. The legislation leaves flexibility to keep the doors open. The two exceptions that state meetings must be closed relate to:

- Requests under the Municipal Freedom of Information and Protection of Privacy Act
- An ongoing investigation by the Ontario Ombudsman or the municipality's closed meeting investigator or local ombudsman

Generally, meetings can not be closed to the public during the taking of a vote. Voting in a closed meeting is only permitted if it is for a procedural matter or for giving directions or instructions to officers, employees, agents of the municipality, or persons under contract.

Procedural By-Law and Public Notice

Every municipality is required to pass a procedural by-law governing the calling, place, and proceedings of meetings. There must also be a by-law outlining public notice of meetings. The Town's Director of Legislative Services/Clerk is responsible for overseeing this function and that proper procedures and notice of meetings is being given.

Meeting dates are established for the year and approved by Council. In the interest of accountability and transparency, meeting dates are to be adhered to. Special meetings may be required, in communication with the Town's Director of Legislative Services/Clerk.

The procedural by-law and notice by-law is included in your agenda package.

Accountability and Transparency Policy

The Town of Goderich has adopted measures ensuring, to the best of its ability, that all activities and services are undertaken utilizing a process that is open and accessible to its stakeholders. This policy applies to Council, Committees of Council, and employees of the Town of Goderich. The Town of Goderich in its commitment to the fundamental principles of accountability and transparency as an element of good governance, are guided by the following principles:

- Decision-making will be open and transparent by conducting Council and Committee meetings in the open, when and as required under applicable legislation, to ensure that citizens have access to, and awareness of business being discussed and decided;
- Municipal operations will be conducted in an ethical and accountable manner;
- Members of Council will conduct themselves in accordance with the Town's Council Code of Conduct Policy;
- Financial resources and physical infrastructure will be managed in an efficient and effective manner;
- Municipal information will be accessible and consistent with legislative requirements;
- Inquiries, concerns, and complaints will have response in a timely manner;
- Financial management, services standards, performance reporting and all other accountability documents will be made available and accessible for public scrutiny and awareness of municipal operations.

The Town of Goderich ensures that it is open and accountable to its stakeholders through implementing processes outlining how, when and under what rules its Council and Committee meetings will take place. The Municipality's meetings will be open to the public when and as required under the Act, and

members of the public will have an opportunity to attend as delegations or submit comments in writing on specific items at these meetings. In addition, the Municipality has adopted policies which ensure that participation by the public can be meaningful and effective, through timely disclosure of information by various means including print media, website, social media, etc. Some specific examples include:

- Procedural By-Law
- Public Notice By-Law
- Closed Meeting Investigator By-Law
- Accountability and Transparency Policy
- Records Retention
- Planning processes
- Council agendas and minutes on the Municipal website
- Committee and Board agendas and minutes on the Municipal website
- Publication of commonly referenced by-laws on the Municipal website
- Publication of municipal information on the Municipal website and social media
- Accessibility Legislation

The Municipality is accountable and transparent to its stakeholders by fulfilling various legislative responsibilities and through disclosure of information. The following are some of the provincial statutes that govern how the municipality conducts its business in a public, accountable, and transparent manner:

- Municipal Act
- Building Code Act
- Cemeteries Act
- Fire Prevention and Protection Act
- Municipal Elections Act
- Emergency Management and Civil Protection Act
- Municipal Conflict of Interest Act
- Occupational Health and Safety Act
- Planning Act
- Municipal Freedom of Information and Protection of Privacy Act
- Public Salary Disclosure Act
- Safe Drinking Water Act
- Provincial Offences Act
- Minimum Maintenance Standards Act
- Accessibility for Ontarians with Disabilities Act

Although the list of policies, practices, procedures, by-laws and referenced legislation in the policy is not exhaustive, Committee members are to be committed to being accountable and transparent to its stakeholders in every aspect of its operations, and members will conduct themselves in accordance with the Town's Code of Conduct for Members of Council and Local Boards Policy. The Municipal Clerk shall be responsible for receiving complaints and/or concerns related to this policy.

Code of Conduct Policy

The purpose of this policy is to establish a general standard to ensure that all members share a common basis for acceptable conduct, and to which all members are expected to adhere to and comply with. This Code of Conduct is intended to set a high standard of conduct for members to provide good governance and a high level of public confidence in the administration of the Town by its members to ensure all members operate from a foundation of integrity, transparency, justice, truth, honesty, and courtesy.

The following key statements of principle are intended to guide members and assist with the interpretation of the Code of Conduct:

- Members shall serve and be seen to serve the public in a conscientious and diligent manner;
- Members shall observe and act with the highest standard of ethical conduct and integrity;
- Members shall avoid the improper use of influence of their office and act without self-interest;
- Members shall act and are expected to perform their functions with honesty, integrity, accountability, and transparency;
- Members shall perform their duties and arrange their private affairs in a manner that promotes public confidence and that will bear close public scrutiny;
- Members shall be cognizant that they are always representatives of the Town and of Council, recognize the importance of their duties and responsibilities, consider the public character of their function, and maintain and promote the public trust in the Town;
- Members shall uphold the spirit and the letter of the laws of Canada, Ontario and the laws and policies adopted by Council.

General Obligations

Committee members shall:

- Make every effort to act with good faith and care;
- Conduct themselves with integrity, courtesy, and respectability at all meetings of the Council or any committee and in accordance with the Town's Procedural By-Law or other applicable procedural rules and policies;
- Seek to advance the public interest with honesty;
- Seek to serve their constituents in a conscientious and diligent manner;
- Respect the individual rights, values, beliefs, and personality traits of any other person, recognizing that all persons are entitled to be treated equally with dignity and respect for their personal status regarding gender, sexual orientation, race, creed, region, ability, and spirituality;
- Refrain from making statements known to be false or with the intent to mislead Council or the public;
- Recognize that they are representatives of the Town and owe a duty of loyalty to the residents of the Town at all times;
- Accurately communicate the decisions of the Committee and respect the Committee's decision-making process even if they disagree with the Committee's ultimate determinations and rulings; and
- Refrain from making disparaging comments about another member or unfounded accusations about the motives of another member.

Role of Staff

- Council approve the budget, policies, and governance of the Town through its by-laws and resolutions. An individual member does not direct nor oversee the functions of the staff of the Town.
- The Town's staff serve Council and work for the Town as a body corporate under the direction of the Chief Administrative Officer. Inquiries of staff from members should be directed to the Chief Administrative Officer and/or Clerk or to the appropriate senior staff as directed by the Chief Administrative Officer and/or Clerk.
- A member shall not publicly criticize staff. If a member has any issue with respect to any staff member, such issue shall be referred to the Chief Administrative Officer and/or Clerk who will direct the matter to the staff member's appropriate superior.
- A member shall respect the role of staff in the administration of the business and governmental affairs of the Town, and acknowledge and appreciate that staff:
 - Provide advice and make policy recommendations in accordance with their professional ethics, expertise, and obligations and that a member must not falsely or maliciously injure the reputation of staff members whether professional or ethical or otherwise;
 - Work within the administration of justice and that a member must not make requests, statements or take actions which may be construed as an attempt to influence the independent administration of justice and, therefore, a member shall not attempt to intimidate, threaten, or influence any staff member from carrying out that person's duties, including any duty to disclose improper activity; and
 - Carry out their duties based on political neutrality and without undue influence from any individual member, and therefore, a member must not invite or pressure any member of staff to engage in partisan political activities or be subjected to discrimination or reprisal for refusing to engage in such activities.

Confidential Information

Members receive confidential information from several sources as part of their work as elected officials. This includes information received in confidence by the Town that falls under the privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and other applicable privacy laws and information received during closed meetings of Council.

A member shall not disclose the content of any confidential information, or the substance of deliberations, of a closed meeting. A member has a duty to hold any information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. All confidential documents received at a closed meeting are to be turned in to the Clerk at the end of the closed meeting. A member shall not, either directly or indirectly, release, make public, or in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or as required by law.

A member shall not disclose, use, or release confidential information in contravention of applicable privacy laws. Members are only entitled to information in the possession of the Town that is relevant to matters before the Council, or a committee. Otherwise, members enjoy the same access rights to

information as any other member of the community or resident of the Town and must follow the same processes as any private citizen to obtain such information.

A member shall not misuse confidential information in any way or manner such that it may cause detriment to the Town, Council, or any other person, or for financial or other gain for themselves or others.

A member shall respect the right to confidentiality and privacy of all clients, volunteers, and staff, and should be aware of their responsibilities under applicable legislation, Town policies, procedures and rules, ethical standards, and where appropriate, professional standards.

A member shall not disclose any confidential information received by virtue of his or her office, even if the member ceases to be a member.

Discrimination and Harassment

A member shall treat all members of the public, one another, and staff with respect and without abuse, bullying, or intimidation and ensure that their work environment is free from discrimination and harassment.

A member shall not use indecent, abusive, or insulting words, phrases, or expressions towards any member of the public, another member, or staff. A member shall not make comments or conduct themselves in any manner that is discriminatory to any individual based on the individual's race, colour, ancestry, citizenship, ethnic origin, place of origin, creed or religion, gender, sexual orientation, marital status, family status, disability, age, or record of offences for which a pardon has not been granted.

A member shall comply with the Town's Workplace Harassment and Violence Policy.

Improper Use of Influence

A member shall not use the influence of their office or appointment for any purpose other than exercise of his or her official duties in the public interest.

A member shall not use the status of their position to influence the decision of another person to the private advantage or non-pecuniary interest of themselves, their parents, children or grandchildren, spouses, or friends or associates, or for the purpose of creating a disadvantage to another person for providing an advantage to themselves.

Council Policies and Procedures

A member shall observe and adhere to the policies, procedures and rules established from time to time by Council.

Respect for the Code of Conduct

A member shall respect the process for complaints made under the Code of Conduct or through any process for complaints adopted by the Town. A member shall not act in reprisal or threaten reprisal against a person who makes a complaint or provides information to the Integrity Commissioner during an investigation. A member shall interact courteously and respectfully with the Integrity Commissioner and with any person acting under the direction of the Integrity Commissioner.

A member shall cooperate with requests for information during any investigations or inquiries under the Code of Conduct. A member shall not destroy or damage documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a complaint has been filed under the Code of Conduct or any process for complaints adopted by the Town.

Penalties for Non-Compliance with the Code of Conduct

Where Council receives a report from the Integrity Commissioner that there has been a violation of the Code of Conduct by a member, Council may impose the following penalties on the member;

- a) A reprimand; or
- b) A suspension of the remuneration paid to the member in respect of his or her services as a member for a period up to 90 days.

Council may, based on a recommendation from the Integrity Commissioner, also take any or all the following corrective or remedial actions, and require that the member;

- a) Provide a written or verbal apology;
- b) Return property or make reimbursement of its value or money spent;
- c) Be removed from or not be appointed to the membership on a committee of Council;
- d) Be removed or not appointed as chair of a committee of Council; and
- e) Comply with any other remedial or corrective action or measures deemed appropriate by the Integrity Commissioner.

Legal Fees

A member of Council is responsible for his or her own legal costs if he or she retains a lawyer or paralegal to provide counsel, advise, or representation on any matter related to the Code of Conduct, including, but not limited to, an investigation and the impositions of penalties or remedial or corrective measures or actions by the Integrity Commissioner.

Social Media Policy

It is important the Town of Goderich take measured, strategic approach to the implementation of social media to avoid potentially damaging consequences such as the presence of out-of-date information, the failure to provide appropriate and accurate information to citizens, or the misrepresentation of municipal policies, services, or values. The social media policy is included in the agenda package.

DECLARATION OF PECUNIARY INTEREST

Dated this ____ day of _____, 2024.

WHEREAS, I _____ have a pecuniary interest with respect to:

AND I, therefore declare a Pecuniary Interest, and the general nature of my conflict is as follows:

I do, therefore, agree not to take part in any discussion or vote on any decision, motion, or by-law related thereto.

SIGNATURE



**THE CORPORATION OF THE TOWN OF GODERICH
BY-LAW NO. 25 OF 2015**

**BEING A BY-LAW TO ADOPT AN ACCOUNTABILITY AND
TRANSPARENCY POLICY FOR THE
CORPORATION OF THE TOWN OF GODERICH**

WHEREAS Accountability and transparency are standards of good government that enhance public trust. They are achieved through the Municipality adopting measures ensuring, to the best of its ability, that all activities and services are undertaken utilizing a process that is open and accessible to its stakeholders. In addition, the Municipality will engage its stakeholders by ensuring its decision-making process is open, visible, transparent, and accessible to the public.

WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, as amended, requires that a municipality adopt and maintain a policy with respect to the manner in which the municipality will seek to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public;

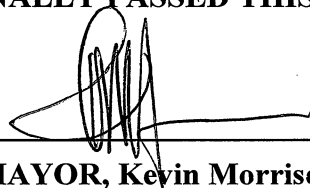
AND WHEREAS Section 224 (d.1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, requires that Council ensure the accountability and transparency of the operations of the municipality, and its senior management;

AND WHEREAS in compliance with those obligations Council adopts this an Accountability and Transparency Policy;

NOW THEREFORE the Council of the Corporation of the Town of Goderich enacts as follows:

1. That the Accountability and Transparency Policy attached hereto as Schedule "A" and forming part of this By-Law be hereby adopted.
2. That By-Law 127 of 2007 be hereby repealed.
3. That this By-Law shall come into full force and effect on the 2nd day of February, 2015.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 2nd
DAY OF February, 2015.**



MAYOR, Kevin Morrison



CLERK, Dwayne Evans

THE CORPORATION OF THE TOWN OF GODERICH

SCHEDULE 'A' TO BY-LAW 25 OF 2015

ACCOUNTABILITY AND TRANSPARENCY POLICY

1. DEFINITIONS

“Accountability” the principle that the municipality will be responsible to its stakeholders for decisions made and policies implemented, as well as actions or inactions;

“Act” is the Municipal Act, 2001, S.O. 2001, as amended, and its regulations;

“Council” is the Council for the Corporation of the Town of Goderich;

“Committees” are committees, municipal service boards and local boards, excluding the Goderich Police Services Board, appointed by the Council for the Town of Goderich;

“Employees” are employees of the Municipality of the Town of Goderich excluding the Goderich Police Services Board, and includes officers and agents of the Municipality;

“Municipality” is the Corporation of the Town of Goderich;

“Transparency” the principle that the municipality actively encourages and fosters stakeholder participation and openness in its decision-making processes. Additionally, transparency means that the municipality’s decision-making process is open and clear to the public.

2. PURPOSE

The purpose of this policy is to provide guidance for the delivery of the Municipality’s services and activities in accordance with the principles outlined herein.

3. APPLICATION

This Policy applies to Council, Committees of Council and employees of the Municipality as defined herein.

4. POLICY STATEMENT

The Municipality in its commitment to the fundamental principles of accountability and transparency as an element of good governance and will be guided by the following principles:

- Decision-making will be open and transparent by conducting Council and Committee meetings in the open, when and as required under applicable legislation, to ensure that citizens have access to and awareness of business being discussed and decided;
- Municipal operations will be conducted in an ethical and accountable manner;
- Members of Council will conduct themselves in accordance with the Town’s Council Code of Conduct Policy;
- Financial resources and physical infrastructure will be managed in an efficient and effective manner;
- Municipal information will be accessible and consistent with legislative requirements;

- Inquiries, concerns and complaints will have response in a timely manner;
- Financial management, services standards, performance reporting and all other accountability documents will be made available and accessible for public scrutiny and awareness of municipal operations;

5. POLICY REQUIREMENTS

The Municipality demonstrates its commitment to accountability and transparency by providing a framework of policies, practices, procedures and by-laws that create sound governance and sustainability categorized as follows:

a. FINANCIAL MATTERS

- External audit
- Financial statements
- Long term financial planning
- Asset management, including Tangible Capital Assets Policy and an Asset Management Plan
- Municipal Performance Measures Program (MPMP)
- Performance management through Public Service Accounting Board (PSAB) 3150 standards
- Budget process
- Purchasing and Procurement policy
- Sale of Land policy
- Property Tax Collection policy
- Investment Policy
- Guidelines for grant applications and financial requests of Council
- Development Charges by-law
- Fee by-law

b. INTERNAL GOVERNANCE

The Municipality's administrative practices ensure specific accountability on the part of its employees through the following initiatives:

- Terms of Employment
- Union Contracts
- Code of Conduct for Chief Building Official and Building Inspectors
- Municipal Child Care Centre Policies and Procedures
- Cellular Phone Policy
- Drug and Alcohol Policy
- Workplace Violence and Harassment policy
- Health and Safety policy
- Operational Guidelines-Goderich Fire Department
- Energy Efficient Procurement Policy
- Return To Work Program
- Discipline policy and procedures
- Hiring policy
- Responsibility for ensuring that administrative practices and procedures recognize Council's commitment to accountability and transparency, as delegated to the Chief Administrative Officer and or Clerk
- Minimum Maintenance Standards (MMMS)
- Emergency Management Program

6. PUBLIC PARTICIPATION AND INFORMATION SHARING

The Municipality ensures that it is open and accountable to its stakeholders through implementing processes outlining how, when and under what rules its Council and Committee meetings will take place. The Municipality's meetings will be open to the public when and as required under the Act, and members of the public will have an opportunity to attend as delegations or submit comments in writing on specific items at these meetings. In addition, the Municipality has adopted policies which ensure that participation by the public can be meaningful and effective, through timely disclosure of information by various means including print media, website, etc. Some specific examples include:

- Procedures by-law for Council and Committees
- Public Notice by-law
- Closed meeting investigator by-law
- Accountability and transparency policy
- Records retention by-law
- Planning processes
- Council agendas and minutes on the Municipal website
- Committee agendas and minutes on the Municipal website
- Publication of commonly referenced by-laws on the Municipal website
- Publication of municipal information on the Municipal website
- Accessibility Legislation

7. LEGISLATIVE REQUIREMENTS

The Municipality is accountable and transparent to its stakeholders by fulfilling various legislated responsibilities and through disclosure of information. The following are some of the provincial statutes that govern how the Municipality conducts its business in a public, accountable and transparent manner:

- Municipal Act, 2001
- Building Code Act
- Cemeteries Act
- Fire Prevention and Protection Act
- Municipal Elections Act
- Emergency Management and Civil Protection Act, 1990
- Municipal Conflict of Interest Act
- Occupational Health and Safety Act, 1990
- Planning Act
- Municipal Freedom of Information and Protection of Privacy Act
- Public Salary Disclosure Act
- Safe Drinking Water Act
- Provincial Offences Act
- Minimum Maintenance Standards Act
- Accessibility for Ontarians with Disabilities Act, 2005

Although the list of policies, practices, procedures, by-laws and referenced legislation in this Policy is not exhaustive, Council is committed to being accountable and transparent to its stakeholders in every aspect of its operations and Members of Council will conduct themselves in accordance with the Town's Council Code of Conduct Policy.

8. MONITORING/CONTRAVENTIONS

The Municipal Clerk shall be responsible for receiving complaints and/or concerns related to this Policy. Upon receipt of a complaint and/or concern, the Municipal Clerk shall notify:

- a. In the case of an employee, the Department Head responsible for the department of the employee and the Chief Administrative Officer;
- b. In the case of a closed meeting, the Closed Meeting Investigator if the individual requests an investigation;
- c. In the case of the Chief Administrative Officer, the Council;
- d. In the case of Council, the Mayor;
- e. In the case of the Mayor, Council.

9. POLICY REVIEW

This Policy shall be reviewed by the Municipal Clerk once per term of Council.

10. ENQUIRIES

The Corporation of the Town of Goderich
Municipal Clerk
57 West Street
Goderich, Ontario
N7A 2K5

Telephone: 519-524-8344



**THE CORPORATION OF THE TOWN OF GODERICH
BY-LAW NO. 4 OF 2016**

BEING A BY-LAW TO ESTABLISH A SOCIAL MEDIA POLICY

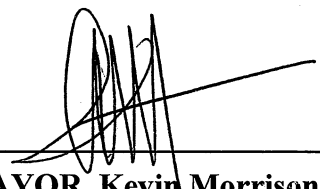
WHEREAS the Council of the Corporation of the Town of Goderich wishes to establish a social media policy;

**THE COUNCIL OF THE CORPORATION OF THE TOWN OF GODERICH
ENACTS AS FOLLOWS:**

1. That the "Town of Goderich Social Media Policy" attached hereto as Schedule "A" and Schedule "B" be and is hereby adopted.
2. That Schedule "A" and Schedule "B" are deemed to form part of this by-law. Appendices "A" and "B" are provided for information purposes only and subject to change.
3. That the Mayor and Clerk are hereby authorized to execute and affix the Corporate Seal.

READ A FIRST AND SECOND TIME ON THE 11th DAY OF JANUARY, 2016.

READ FOR A THIRD TIME AND FINALLY PASSED THIS 25th DAY OF JANUARY, 2016.



MAYOR, Kevin Morrison



DEPUTY-CLERK, Lee Ryan

Schedule "A"
Town of Goderich
Social Media Policy for Designated Moderators

PURPOSE:

To identify responsibilities for the authorization, establishment, and administration of official Town social media accounts, and to establish acceptable corporate use of social media by designated communicators.

The Town of Goderich recognizes that there is both value and public interest in its participation in social media. Furthermore, the Town should support employees by stating clear expectations about the corporate use of social media.

It is important the Town of Goderich take a measured, strategic approach to the implementation of social media to avoid potentially damaging consequences such as the presence of out-of-date information, the failure to provide appropriate and accurate information to citizens, or the misrepresentation of municipal policies, services, or values.

All employees who use or manage corporate social media accounts on behalf of the Town of Goderich are expected to understand and follow this policy.

DEFINITIONS:

Employee – an individual who is hired for a wage or salary to perform work for the municipality.

MFIPPA – Municipal Freedom of Information and Protection of Privacy Act.

Social Media – web-based applications that allow users to interact, share and publish content such as text, links, images, audio and video. Examples of social media platforms include Facebook, Twitter, LinkedIn, YouTube, Flickr, Instagram, Pinterest, wikis and blogs.

Corporate Accounts – any social media account established by the corporation, bearing official corporate branding (i.e., a visual identity or other insignia) and identified as representing the corporation or one of its departments.

Corporate Use – management approved activity on any social media platform or account that is operated and maintained by the Town of Goderich.

Designated Social Media Moderator – a Town of Goderich employee who is appointed by the Clerk or his/her designate, and is responsible for creating content, posting to and monitoring a corporate social media account on behalf of the Town or one of its departments, programs or services.

Privacy – posts containing Personal Information must be in compliance with:

- a. The requirements for the collection of Personal Information under MFIPPA;
- b. The requirements for use and disclosure of Personal Information under MFIPPA;
- c. The requirements for securing Personal Information under MFIPPA.

POLICY:

Approval of Corporate Social Media Accounts

1. The establishment of corporate social media accounts shall be approved by Council. Recommendations by staff to use or change the use of existing social media platforms or accounts shall be submitted to the Clerk or his/her designate using the attached Social Media Control Form (see Appendix B). The Social

Media Control form(s) will be presented to Council for information if deemed necessary.

2. Committees of Council and Liaisons are subject to the Town's Social Media Policy. Boards that function in conjunction with the municipality are permitted to adopt this Policy as their own.

Ownership and Administration of Corporate Social Media Accounts

1. All corporate social media accounts, along with their login and password information, will be owned by the Corporation of the Town of Goderich, and not the individuals managing the content.
2. Corporate social media accounts shall be administered by Town staff who are Designated Social Media Moderators, as appointed by the Clerk or his/her designate.
3. Designated Social Media Moderators will be trusted to have access to login and password information that is owned by the Corporation of the Town of Goderich. All user names and passwords will be set and/or changed with the prior notification and permission of the Clerk or his/her designate.
4. All Designated Social Media Moderators shall be trained in this policy.

Acceptable Corporate Use of Social Media

1. The corporate use of all social media by the Corporation will adhere to:
 - a. Applicable provincial and federal laws, regulations;
 - b. The Terms of Service and Use of each social media platform;
 - c. All applicable Town Policies, and by-laws including, but not limited to MFIPPA, E-Mail and Internet Access Policy, Town Equipment Policy, Hiring Policy, Health and Safety Policy and Program, and Accountability and Transparency Policy.
2. Corporate use of social media on behalf of the Corporation must be in accordance with the following expectations and guidelines:

Account Set-Up

1. Corporate social media accounts will clearly indicate that they are owned and maintained by the Town of Goderich. Where possible, corporate accounts will display: the Town of Goderich logo; applicable contact information; and a hyperlink to the Town's municipal website (www.goderich.ca).
2. Each corporate social media account shall display or link to a disclaimer that states: "The Town of Goderich is not responsible for content posted by other users. Information that is not in compliance with the Town's social media policy, this site's Terms of Use, or with applicable law will be removed at the Town's discretion without notification."
3. Each corporate social media account shall include an introductory statement which clearly specifies the purpose of the account.

Account Use / Management

1. Corporate social media accounts are for the purpose of conducting Town business and supporting Town objectives only. Acceptable activity includes:
 - a. Distributing public notices and information related to official Town business.
 - b. Promoting and providing information on Town of Goderich events, programs and services.
 - c. Driving traffic to the Corporation of the Town of Goderich's municipal website.
 - d. Responding to inquiries and questions.
 - e. Providing a platform for consultation and public input on Town projects, where appropriate.
2. The Economic Development/Tourism Coordinator (Department Head) will lead the regulating and monitoring of the Town's corporate social media accounts to ensure all content is in compliance with the policy guidelines.
3. Department Heads will be responsible for regulating social media content and overseeing the management of corporate social media accounts.

4. Wherever possible, links to more information should direct users back to the official Town of Goderich website (www.goderich.ca) for more information, forms, documents or online services necessary to conduct business with the municipality.
5. Published content must be accurate and consistent with corporate information, messages and policies.
6. Published content should exhibit the same level of professionalism as any other means of internal and external business communications.
7. Before publishing content to/via a corporate social media account, Designated Social Media Moderators must verify the information with the appropriate individuals. Misinformation should be corrected information in a timely, positive and professional manner.
8. Designated Social Media Monitors and all spokespersons for the municipality must ensure that their statements maintain a clear, singular, and corporate identity and are consistent with other corporate statements.
9. Use of corporate social media accounts should not disclose confidential information, or personal information without prior consent.
10. Social media use and interactions in and related to emergency situations is prohibited for all Town employees. Press announcements in emergency situations can only be developed and released through the Town's Emergency Operations Control Group.

Inquiries and Comments

1. Comments posted to or directed to the Town's corporate social media accounts will not be considered as citizen's requests for assistance, formal complaints, or submissions to Council. Requests for assistance, formal complaints or Council submissions will continue to be submitted to the Clerk or her/her designate, in writing.
2. Interactions with residents via corporate social media accounts, particularly in response to conflict or complaints, should encourage civic engagement by being honest, transparent, and polite.
3. Corporate social media accounts should be monitored frequently for engagement, inquiries and comments
4. Designated Social Media Moderators should respond to inquiries and comments, where necessary, within an appropriate time frame. (Typically within one (1) working day).
5. Corporate responses to engagement, inquiries and comments should be guided by the Social Media Response Chart, attached as "Appendix A."

Inappropriate Content

1. Inappropriate content, as determined by the Corporation, will be subject to removal without notification. The Town's E-Mail and Internet Access Policy, Hiring Policy, Health and Safety Policy and Program, Accountability and Transparency Policy, and Code of Conduct Policy outline examples of inappropriate content that must be removed if posted.
2. Inappropriate content posted by Town employees, regardless of whether they are using social media to carry out their responsibilities, will be brought to the attention of the Clerk or his/her designate. The Clerk will discuss the matter with the CAO, and if deemed necessary, bring the matter to the attention of Council under Section 239 of the Municipal Act (an identifiable individual).
3. Any content that is deemed inappropriate or does not adhere to the social media policy must be immediately brought to the attention of the Clerk or his/her designate.

Accessibility

1. The Town of Goderich is committed to the principle of accessibility and is required to comply with communications and information provisions within the Accessibility for Ontarians with Disabilities Act (AODA). As such, the Town must be able to facilitate the delivery of material communicated through corporate social media accounts in alternate formats, if requested.

Records Management

1. All information posted or forwarded to one of the Town's corporate social media accounts becomes part of the Town's records and is subject to MFIPPA and the Town's Retention By-Law.

Town staff who fail to comply with this Policy may be subject to corrective action or disciplinary action which may include, but not limited to, the following: an apology, coaching, education or training, warning, suspension, leave without pay, or termination of employment. In addition, depending on the nature of the policy violation or the Terms of Use of the Social Media platform, participants may also be subject to civil and/or criminal penalties.

Schedule "B"
Town of Goderich
Acceptable Personal Use of Social Media Policy for Employees

The following policy is intended to guide Town employees in the acceptable personal use of social media. Elected officials are guided by the Town's Code of Conduct Policy.

Employees have a responsibility to recognize that their personal use of social media has the potential to affect the Town of Goderich, that posts on social media are subject to laws governing publications, and that care should be taken to ensure that social media use does not cause harm to the Town of Goderich or its employees.

DEFINITIONS:

Employee – an individual who is hired for a wage or salary to perform work for the municipality.

MFIPPA – Municipal Freedom of Information and Protection of Privacy Act.

Social Media – web-based applications that allow users to interact, share and publish content such as text, links, images, audio and video. Examples of social media platforms include Facebook, Twitter, LinkedIn, YouTube, Flickr, Instagram, Pinterest, wikis and blogs.

Corporate Accounts – any social media account established by the corporation, bearing official corporate branding (i.e., a visual identity or other insignia) and identified as representing the corporation or one of its departments.

Corporate Use – management approved activity on any social media platform or account that is operated and maintained by the Town of Goderich.

Designated Social Media Moderator – a Town of Goderich employee who is appointed by the Clerk or his/her designate, and is responsible for creating content, posting to and monitoring a corporate social media account on behalf of the Town or one of its departments, programs or services.

Personal Accounts – any social media account created and maintained by individual employees, and can be identified as such through profile photos, bios (which mention corporate affiliation) or implicit association (i.e., an employee who is known to the public, but does not have his/her town affiliation in the bio).

Personal Use – the use of an individual employee's use of personal social media accounts on any social media platform at any time.

POLICY:

Guidelines for Personal Use of Social Media by Employees

In your role as an employee of the Town of Goderich

1. Employees who are not Designated Social Media Moderators will not generate or respond to content on social media that related to Town of Goderich business, programs or services. Corporate responses to online discussions and inquiries will only be made by a Designated Social Media Moderator through official Town of Goderich communications channels.
2. Use of an employee's Town e-mail address, communicating in an official capacity, or discussing corporate business on or directed at Town social media accounts will constitute as conducting Town business.
3. Staff-to-staff conversations relating to Town of Goderich business will occur in person, or via phone or email systems owned by the Town of Goderich. They will not occur via social media or any other public online channel.
4. Town staff is expected, at all times, to conduct themselves in the best interests of the Corporation.

5. Social media use and interactions in and related to emergency situations is prohibited for all Town employees. Press announcements in emergency situations can only be developed and released through the Town's Emergency Operations Control Group.

Privacy / Records Management

1. Information posted on or directed to non-corporate social media accounts is not subject to MFIPPA unless it relates to the discharge of an employee or Council member's responsibilities or some aspect of the Town's mandate.
2. As head of Council, the Mayor is considered an 'officer' of the municipality. The Mayor's records that relate to mayoral duties may be considered to be in the Town's custody or control and therefore subject to MFIPPA and the Town's Retention By-Law.

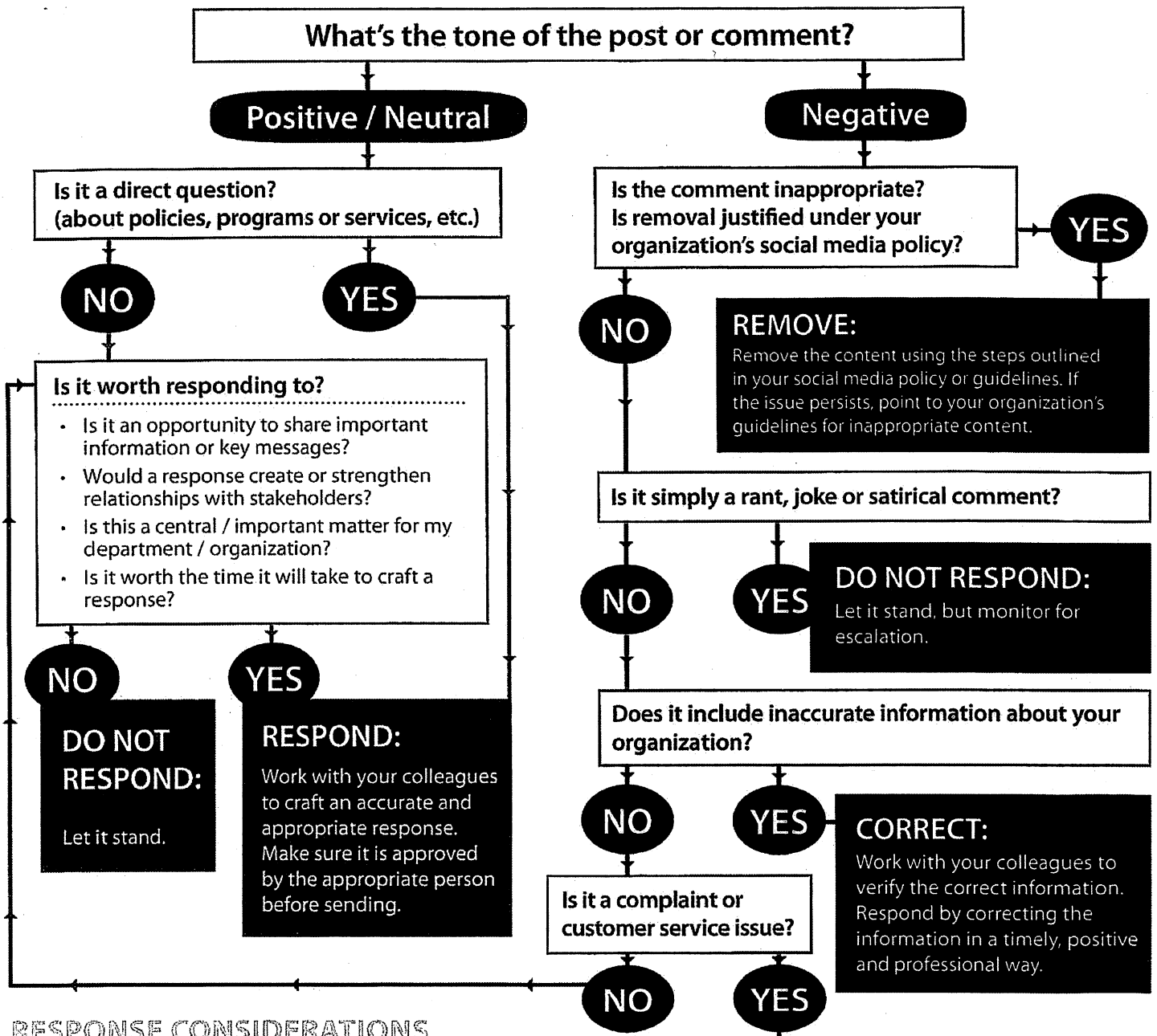
Using your personal account

Town of Goderich employees who engage in personal use of social media cannot control the fact that they may be perceived to be representing the municipality. Employees are advised to conduct themselves in a professional manner that respects the following guidelines:

1. Town of Goderich staff will not post to their own personal social media accounts during working hours, unless they are on a designated break or lunch.
2. Staff will not use the Town of Goderich logo, crest, or any other corporate images on their own personal social media accounts.
3. Staff will not link or post a Town of Goderich email address to a personal social media account.
4. The use of job titles/positions of employees on personal social media accounts is discouraged.
5. Town staff shall at all times conduct themselves in a positive, professional, honest, ethical and fair manner in accordance to this policy and related policies.
6. Employees must act in furtherance of protection and maintenance of the public trust and the Town's reputation, and must respect that under Canadian Law, employees have a duty to uphold loyalty, fidelity and confidentiality toward their employer.
7. In accordance with their ability, employees should demonstrate principles of service excellence, personal leadership, effective communications, and fiscal responsibility and promote a healthy workplace.
3. Town employee's will not comment or act to prejudice the public process.
4. While common disclaimers such as "re-tweet does not imply endorsement" or "all views are my own" may help clarify the context of personal social media accounts, Town employees are thereby not absolved from upholding the Town's Social Media Policy.

Town staff who fail to comply with this Policy may be subject to corrective action or disciplinary action which may include, but not limited to, the following: an apology, coaching, education or training, warning, suspension, leave without pay, or termination of employment. In addition, depending on the nature of the policy violation or the Terms of Use of the Social Media platform, participants may also be subject to civil and/or criminal penalties.

Social Media Response Chart



RESPONSE CONSIDERATIONS

Keep these things in mind when you're crafting your response:

- **Respect Privacy:** Don't share or invite others to share personal information on public channels.
- **Respect Ownership:** Cite your sources. If you're sharing or drawing from someone else's information or material, then say so.
- **Be Credible:** Stick to the facts and avoid value judgments.
- **Be Appropriate:** Your tone should be appropriate to the situation and should reflect positively on your organization.

RESOLVE:

Acknowledge the concern and respect their privacy by inviting them to continue the discussion offline. This could be by phone, email, or other customer service channels, depending on what's outlined in your organization's social media policy.

** Adapted from the United States Environmental Protection Agency's social media response chart.*

For more resources, visit www.redbrick.ca.

Appendix 'B'

SOCIAL MEDIA CONTROL FORM

DATE: _____ NAME: _____

Social Network:	
URL:	
Owner:	
Additional Users: (Users other than the owner that may be posting to the account or who can access the account)	
Purpose or Mission of Account: (General information, special projects, goals, type of content to be posted, etc.)	
Proper Brand Use: Yes/No (Does the account properly represent the Town's image, that selected profile images are suitable, the names and descriptions are correct, etc.)	
Target Audience:	
Temporary or Permanent Account: (if temporary, include end date)	
Additional Information: (optional)	

Signature: _____

Social Media Control form reviewed by Dwayne Evans, Clerk _____



THE CORPORATION OF THE TOWN OF GODERICH

BY-LAW NO. 22 OF 2012

A BY-LAW TO ESTABLISH PROCEDURES FOR COUNCIL AND ITS COMMITTEES

Pursuant to Section 238 of the Municipal Act, the Council enacts as follows:

Definitions - in this by-law:

- a) "Mayor" means the Head of Council of the Corporation of the Town of Goderich.
- b) "Chair" means the Mayor or member presiding.
- c) "Clerk" means the Clerk of the Corporation of the Town of Goderich.
- d) "Council" shall be composed of a Mayor, Deputy Mayor and five Councillors all elected by general vote.
- e) "Member" means a Councillor of the Corporation of the Town of Goderich.
- f) "Committee of the Whole" means Council sitting as a Committee.
- g) "Closed Committee of the Whole" means meetings closed to the public, pursuant to Section 239 (2) of the Municipal Act, as amended.
- h) "A Quorum", as it relates to Council and Committees, shall consist of not less than 50% of the applicable membership.
- i) "Meeting" means any regular, special, or other meeting of a Council, of a Local Board or of a committee of either of them, where:
 - ❖ a quorum is present, and
 - ❖ members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, Local Board or Committee.

Throughout this By-law, "he" and "his" shall, where appropriate, be deemed to read "she" and "her".

1. COUNCIL MEETINGS

Shall be in the Town Council Chambers or at such a location as may be determined by Council by motion.

2. INAUGURAL MEETINGS

Shall be at 4:30 PM on the first Monday of December. If that be a public holiday or if the weather be inclement, then on the first suitable day at 4:30 PM.

3. REGULAR MEETINGS

Council shall by motion on or before their last meeting scheduled in December, determine meeting dates for the following year and shall advertise accordingly. Regular meetings shall be at 4:30 PM.

4. SPECIAL MEETINGS

Shall be at the Call of the Mayor, or Clerk upon written instruction from the majority of Council. Members shall be given one clear days notice in writing where practicable. Matters

shall be discussed at the special session only with unanimous consent of those present.

5. **EMERGENCY MEETINGS**

Notwithstanding the notice requirement set out above, in the event of a bona fide emergency, the meeting may be held as soon as practicable following receipt of the summons or petition.

6. **QUORUM**

A majority of members of council constitutes a quorum.

7. **IF MAYOR IS ABSENT**

Upon a quorum of members being present, the Mayor shall take the chair and call the meeting to order; but in the absence of the Mayor or if his office is vacant or if he refuses to act, the Deputy Mayor shall have the powers of the Mayor. In the absence of the Deputy Mayor or if his office is vacant or if he refuses to act, Council may from among its members appoint another member of Council. Any individual appointed to act in place of the Mayor/Head at Council meetings has all of the powers and duties of the head only as they relate to the role of presiding at meetings.

8. **IF NO QUORUM PRESENT**

Where a quorum is not present within 20 minutes after the hour fixed for a meeting, the Clerk shall record the names of Members of Council present and the meeting shall stand adjourned until the next meeting.

9. **CLOSED COMMITTEE OF THE WHOLE**

Attendance at Closed Committee of the Whole shall be limited to the Council/Board/Commission, Clerk/Secretary and any other person the Council/Board/Commission deems necessary. Conduct of the meeting shall be in accordance with Section 239 of the Municipal Act.

10. **ADJOURNMENT**

Council may by Motion or Resolution passed by the majority, fix the time for adjournment of any session.

PART 10 - TO ADJOURN

A motion for adjournment shall always be in order except:

1. When a member is in possession of the floor;
2. When the yeas and nays are being called;
3. When members are voting; or
4. When the adjournment was the last preceding motion.

COMMITTEES, BOARDS AND LIAISON REPRESENTATIVES

1. Council shall make the appointments to all Committees and Boards and Liaison positions including:
 - ❖ Administration & Finance Liaison
 - ❖ Public Works Liaison
 - ❖ Parks & Waterfront Liaison

CONDUCT OF BUSINESS

1. All business referred to Committees, Boards and Liaison representatives shall be discussed

openly in Council meetings.

2. . All recommendations from the Boards and Committees shall be dealt with at a regular Council meeting. Authority to carry out Council's decisions shall be given as Council states.

CONDUCT OF PROCEEDINGS

The presiding officer shall:

1. Open the meeting by taking the Chair and calling members to order;
2. Announce the business before Council in the order it is to be called;
3. Receive and submit all motions presented by Members of Council;
4. Put to a vote all issues, which are regularly moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
5. Decline to put to a vote motions which infringe Council's Rules of Procedure as defined by this By-Law;
6. As may be appropriate, restrain members engaged in debate;
7. Preserve order and decorum and decide matters of order subject to appeal to Council which with 5 or more votes may amend or reverse the Mayor's decision. Council, if appealed to, shall decide the issue without debate and its decision shall be final;
8. Call by name any member persisting in breach of this By-law, thereby ordering the member to vacate the Council Chamber;
9. When the Chair is called upon to decide a point of order or practice, the Chair shall state the rule or authority applicable, without comment;
10. The Chair has one vote, Any question on which there is an equality of votes shall be declared in the negative;
11. If the Chair takes part in a debate, he/she shall call a Member of Council to take the chair for that portion of the meeting.

DECORUM

1. Every member when speaking shall address the Chair unless otherwise directed by the Chair. No member shall speak longer than ten (10) minutes on any one issue.
2. No member shall speak more than once on an issue without leave of the Chair, subject to appeal to Council. The mover and seconder may each speak a second time in response. Leave of the Chair may be expressed or implied.
3. When two or more members seek to speak, the Chair shall name the member to speak first.
4. When a division of Council is called, each member shall announce his/her vote by yea or nay and the Clerk shall record same. Any member of Council may require that the vote be recorded. When a recorded vote is called, any member may require the motion to be in writing and read aloud before the vote is taken.
5. No vote shall be taken by ballot or other method of secret voting.
6. No member shall use unmannerly or indecent language or interrupt the proceedings of Council or any member speaking.
7. All motions shall, where practicable, be in writing except those disposing of reports or

communications, and shall be seconded before being debated or put to a vote.

8. After a motion has been read by the Clerk, it shall be deemed in possession of Council, but may be withdrawn upon agreement by a majority of members present.
9. When a motion to table is presented, the issue may be called at a subsequent meeting by a motion as Unfinished Business. Any motion to table shall take priority over the motion and shall be voted on forthwith without discussion or debate.
10. Amendments shall be put to a vote in the reverse order in which they are moved. Every amendment shall be written and be decided upon or withdrawn before the main question is put to a vote.
11. After any question is finally put no member shall speak to that issue, nor shall any other motion be made until the result is declared. The decision of the Chair as to whether a question has been finally put and whether it has been carried or lost shall be conclusive, subject to appeal to Council.

DEPUTATIONS

1. Each delegation's presentation will not exceed ten minutes unless a specific interval is arranged in advance through the Clerk.
2. PowerPoint presentations will be acceptable provided printed copies of the material are filed in advance in accordance with Council's procedure.
3. No restriction is imposed upon the extent of the written material to be filed.

GENERAL

1. The Corporate Seal shall be in the custody of the Clerk, and shall be used only when authorized by Council or By-law.
2. Subject to the Municipal Act, any provisions of this by-law, may be suspended by a vote of a majority of members present.
3. All individuals or delegations requiring a hearing before Council, on a matter pertaining to business, shall endeavour to make previous arrangements with the Clerk, in order that the regular procedure may not be unnecessarily interrupted.
4. Insofar as is practicable, Council agendas with supporting material, shall be available to members on the Thursday prior to a regular meeting.
5. Persons wishing to appear before Council at a regular meeting shall advise the Clerk not later than 12:00 noon on the Thursday prior to the meeting. The Clerk may make a decision as to deferral of applications received after that time.
6. Any member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a member speaking.
7. Every By-law shall be introduced upon motion of a member duly seconded.
8. Every By-law when introduced shall be typewritten and shall contain no blanks except as required to conform to accepted procedure or with provisions of any Act.
9. Every By-law shall be given three readings prior to passage.
10. The third reading of a By-law may be presented and debated on the same day as prior readings except when requested otherwise by motion of the majority of the members present.
11. Upon passage, By-laws shall be signed by the Mayor and Clerk and sealed with the seal of the

Corporation.

12. Any proposed by-law may be referred to a Committee, Department Head, Solicitor or others for review and comment.
13. By-laws inconsistent with the provisions hereof are hereby repealed, being By-Law 75 of 2003, By-Law 7 of 2004, By-Law 37 of 2006 and By-Law 2 of 2008.

MEETINGS (CLOSED OR OPEN TO THE PUBLIC)

All Council meetings shall be open to the public and Council may go into Closed Committee of the Whole only to deal with a specific matter as authorized by the Municipal Act including the following:

- a) the security of the property of the municipality or local board;
- b) personal matters about an identifiable individual, including municipal or local board;
- c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- d) labour relations or employee negotiations;
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j) a trade secret or scientific, technical, commercial, or financial information that belongs to the municipality or local board and has a monetary value or potential monetary value; or
- k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Before holding a session closed to the public, Council or Committee shall state by Motion or Resolution:

- ❖ the holding of the closed session is about to occur; and
- ❖ the general nature of the matter to be considered.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 5th DAY OF MARCH, 2012.

MAYOR, Deb Shewfelt

CLERK, Larry McCabe

**TOWN OF GODERICH
BY-LAW NO. 22 OF 2012
CONSOLIDATION**

This document is a consolidation of the Town of Goderich By-Law No. 22 of 2012 and subsequent amendments made thereto. This compilation is for convenience for administrative purposes and does not represent true copies of the by-laws it contains. Any legal interpretation of this document should be verified with the Town Clerk.

This Consolidated By-Law No. 22 of 2012 contains:

By-Law No. 22 of 2012

and the following amendments thereto:

By-Law No. 89 of 2012 – August 12, 2012
By-Law No. 14 of 2015 – January 19, 2015
Modernizing Ontario’s Municipal Legislation Act
(Bill 68) – Royal Assent on May 30, 2017

Consolidated as of January, 2019



**THE CORPORATION OF THE TOWN OF GODERICH
BY-LAW NO. 19 OF 2019**

**BEING A BY-LAW TO ADOPT A CODE OF CONDUCT FOR MEMBERS OF
COUNCIL AND LOCAL BOARDS POLICY, AND REPEAL BY-LAW NO. 71 OF
2013 AND BY-LAW NO. 5 OF 2016**

AND WHEREAS Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017 made several amendments to the *Municipal Act, 2001*, requiring municipal staff to appoint an Integrity Commissioner;

AND WHEREAS at the January 7, 2019 meeting, Goderich Town Council adopted By-Law No. 1 of 2019 – a By-Law to appoint Aird Berlis LLP as the Integrity Commissioner, Closed Meeting Investigator and Ombudsman for the Town of Goderich.

AND WHEREAS as of March 1, 2019, Aird Berlis is responsible for the functions of an Integrity Commissioner pursuant to the amendments made by Bill 68, as well as such other duties and responsibilities that Council may assign or that legislation may provide.

AND WHEREAS the attached Code of Conduct applies to members of Council and the municipality's local boards and committees (by reference to the definition of the term in s. 1(1) of the *Municipal Act, 2001*). The complaint protocol found in Appendix B includes complaints related to the Code of Conduct Policy as well as requests/complaints to the Integrity Commissioner for an inquiry to determine whether a member contravened ss. 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* (and includes the requisite forms to file the complaints/requests).

AND WHEREAS the Council of the Corporation of the Town of Goderich wishes to repeal policies related to Code of Conduct for Members of Council and replace it with a new Council policy entitled "Code of Conduct for Members of Council and Local Boards" with Appendix A – Disclosure Statement for Gifts and Benefits; and Appendix B – Complaint Protocol;


NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF GODERICH ENACTS AS FOLLOWS:

1. By-Law No. 71 of 2013 and By-Law No. 5 of 2016 - Code of Conduct for Members of Council is hereby repealed;
2. The policy entitled "Code of Conduct for Members of Council and Local Boards", attached hereto is hereby adopted and that the Mayor and Clerk are hereby authorized to execute and affix the Corporate Seal.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
28th DAY OF FEBRUARY, 2019.**



MAYOR, John C. Grace



CLERK, Janice Hallahan

THE CORPORATION OF THE TOWN OF GODERICH **CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND** **LOCAL BOARDS**

1.0 Application & Purpose

- 1.1 This Code of Conduct applies to all Members of the Council of the Town of Goderich, including the Mayor and, unless specifically provided, with necessary modifications, to all Town committees, agencies, boards and commissions, which are defined as local boards in subsection 1(1) and section 223.1 of the *Municipal Act, 2001*.
- 1.2 The purpose of this Code of Conduct is to establish a general standard to ensure that all Members share a common basis for acceptable conduct, and to which all Members are expected to adhere to and comply with. This Code of Conduct augments other laws which Members are governed by and which requires Members to follow the Procedural By-law and other sources of applicable law, including but not limited to:
- *Municipal Act, 2001*
 - *Municipal Conflict of Interest Act*
 - *Municipal Elections Act, 1996*
 - *Municipal Freedom of Information and Protection of Privacy Act*
 - *Human Rights Code*
 - *Occupational Health and Safety Act*
 - *Provincial Offences Act*
 - *Criminal Code*

2.0 Statement of Principles

- 2.1 This Code of Conduct is intended to set a high standard of conduct for Members in order to provide good governance and a high level of public confidence in the administration of the Town by its Members as duly elected public representatives to ensure that they each operate from a foundation of integrity, transparency, justice, truth, honesty and courtesy.
- 2.2 The following key statements of principle are intended to guide Members and assist with the interpretation of the Code of Conduct:

- Members shall serve and be seen to serve the public in a conscientious and diligent manner;
- Members shall observe and act with the highest standard of ethical conduct and integrity;
- Members shall avoid the improper use of the influence of their office and act without self-interest;
- Members shall act and are expected to perform their functions with honesty, integrity, accountability and transparency;
- Members shall perform their duties and arrange their private affairs in a manner that promotes public confidence and that will bear close public scrutiny;
- Members shall be cognizant that they are at all times representatives of the Town and of Council, recognize the importance of their duties and responsibilities, take into account the public character of their function, and maintain and promote the public trust in the Town; and
- Members shall uphold the spirit and the letter of the laws of Canada, Ontario and the laws and policies adopted by Council.

The above statements are key principles that are intended to facilitate an understanding, application and interpretation of the Code of Conduct – the principles are *not* operative provisions of the Code of Conduct and are not intended to be enforced independently as such.

3.0 Definitions

3.1 The following terms shall have the following meanings in this Code of Conduct:

- (a) "child" means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;
- (b) "Chief Administrative Officer" means the Chief Administrative Officer of the Town;
- (c) "Clerk" means the Clerk of the Town;
- (d) "confidential information" means information or records that are in the possession, in the custody or under the control of the Town that the Town is either precluded from disclosing under the *Municipal Act, 2001* or other applicable legislation, its Procedural By-law or any of its other by-laws, policies, rules or procedures, or that it is required to refuse to disclose under the *Municipal Freedom of Information and Protection of Privacy Act* or other legislation;

- (e) "conflict of interest" means a situation in which a Member has competing interests or loyalties between the Member's personal or private interests and his or her public interests as an elected representative such that it might influence his or her decision in a particular a matter;
- (f) "Council" means the council for the Town and includes, as the context may require and with all necessary modifications, any Town committee, agency, board or commission, which are defined as local boards in the *Municipal Act, 2001*;
- (g) "fiduciary" means the obligation of a person in a position of authority to act on behalf of another, assuming a duty to act in good faith and with care, candour and loyalty in fulfilling this obligation;
- (h) "frivolous" means of little or no weight, worth, importance or any need of serious notice;
- (i) "local board" means any Town committee, agency, board or commission, which is a local board as defined in subsection 1(1) and section 223.1 of the *Municipal Act, 2001*, and includes a joint board;
- (j) "Mayor" means the head of Council for the Town;
- (k) "meeting" means a regular, special or other meeting of Council or a committee of Council where:
 - (i) a quorum of Members is present, and
 - (ii) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of Council;
- (l) "Member" means a Member of the Council for the Town or a member of a local board, including a member of a joint board if appointed by the Council;
- (m) "non-pecuniary interest" means a private or personal interest that a Member may have that is non-financial in nature and that would be considered by a reasonable person, apprised of all the circumstances, as being likely to influence the Member's decision in any matter in which the non-pecuniary interest arises, and may include, but is not limited to, an interest that arises from a relationship with a person or entity;
- (n) "parent" means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;
- (o) "spouse" means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;

- (p) "staff" means the Clerk and all officers, directors, managers, supervisors and all non-union and union staff, whether full-time, part-time, contract, seasonal or volunteer, as well as agents and consultants acting in furtherance of the Town's business and interest;
- (q) "Town" means The Corporation of the Town of Goderich; and
- (r) "vexatious" means troublesome or annoying in the case of being instituted without sufficient grounds and serving only to cause irritation and aggravation to the person being complained of.

4.0 General Obligations

4.1 In all respects, a Member shall:

- (a) make every effort to act with good faith and care;
- (b) conduct themselves with integrity, courtesy and respectability at all meetings of the Council or any committee and in accordance with the Town's Procedural By-law or other applicable procedural rules and policies;
- (c) seek to advance the public interest with honesty;
- (d) seek to serve their constituents in a conscientious and diligent manner;
- (e) respect the individual rights, values, beliefs and personality traits of any other person, recognizing that all persons are entitled to be treated equally with dignity and respect for their personal status regarding gender, sexual orientation, race, creed, religion, ability and spirituality;
- (f) refrain from making statements known to be false or with the intent to mislead Council or the public;
- (g) recognize that they are representatives of the Town and that they owe a duty of loyalty to the residents of the Town at all times;
- (h) accurately communicate the decisions of Council and respect Council's decision-making process even if they disagree with Council's ultimate determinations and rulings; and
- (i) refrain from making disparaging comments about another Member or unfounded accusations about the motives of another Member.

5.0 The Role of Staff

- 5.1 Council as a whole approves the budget, policies and governance of the Town through its by-laws and resolutions. An individual Member does not direct nor oversee the functions of the staff of the Town.
- 5.2 The Town's staff serve Council and work for the Town as a body corporate under the direction of the Chief Administrative Officer. Inquiries of staff from Members should be directed to the Chief Administrative Officer and/or Clerk or to the appropriate senior staff as directed by the Chief Administrative Officer and/or Clerk.
- 5.3 A Member shall comply with the Town's Council and Staff Relationship Policy.
- 5.4 A Member shall not publicly criticize staff. If a Member has any issue with respect to any staff member, such issue shall be referred to the Chief Administrative Officer and/or Clerk who will direct the matter to the particular staff member's appropriate superior.
- 5.5 A Member shall respect the role of staff in the administration of the business and governmental affairs of the Town, and acknowledge and appreciate that staff:
 - (a) provide advice and make policy recommendations in accordance with their professional ethics, expertise and obligations and that a Member must not falsely or maliciously injure the reputation of staff members whether professional or ethical or otherwise;
 - (b) work within the administration of justice and that a Member must not make requests, statements or take actions which may be construed as an attempt to influence the independent administration of justice and, therefore, a Member shall not attempt to intimidate, threaten, or influence any staff member from carrying out that person's duties, including any duty to disclose improper activity; and
 - (c) carry out their duties based on political neutrality and without undue influence from any individual Member and, therefore, a Member must not invite or pressure any member of staff to engage in partisan political activities or be subjected to discrimination or reprisal for refusing to engage in such activities.

6.0 Town Property

- 6.1 Council is the custodian of the assets of the Town. The community places its trust in Council and those it appoints to make decisions for the public good in relation to these assets.
- 6.2 By virtue of their office or appointment, a Member must not use or permit the use of the Town's land, facilities, equipment, supplies, services, staff or other

resources for activities other than the business of the Town. No Member shall seek financial gain for themselves, family or friends from the use or sale of Town-owned intellectual property, computer programs, technological innovations, or other patent, trademarks or copyright held by the Town.

7.0 Gifts and Benefits

7.1 Any gift to a Member risks the appearance of improper influence. Gifts may improperly induce influence or create an incentive for a Member to make decisions on the basis of relationships rather than in the best interests of the Town. A Member shall not accept a fee, advance, gift, gift certificate, cash, hospitality or any form of personal benefit connected directly or indirectly with the performance of his or her duties except as provided in Section 7.2. A gift, benefit or hospitality provided with the Member's knowledge to a Member's spouse, child, or parent, or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to that Member. Any doubt concerning the propriety of the gift should be resolved by the Member not accepting or keeping it.

7.2 For greater clarity, despite Section 7.1, a Member is entitled to accept any compensation, remuneration or benefits authorized by law but shall not accept any gift or benefit other than in the following circumstances:

- (a) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- (b) a political contribution otherwise reported by law, in the case of a Member running for office;
- (c) services provided without compensation by persons volunteering their time;
- (d) nominal tokens, mementos or souvenirs received as an incident of protocol or social obligation that normally accompanies the responsibilities of elected office or at a function honouring the Member;
- (e) food, lodging, transportation and entertainment provided by provincial, regional and local governments or any agencies or subdivisions of them or by the federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity as a representative of the Town;
- (f) entrance fees or food and beverages consumed at banquets, receptions or similar events, if:
 - (i) attendance serves a legitimate municipal business purpose related to the normal business of the Town,
 - (ii) the person extending the invitation or a representative of the organization is in attendance, and
 - (iii) the value is reasonable and the invitations are infrequent;

- (g) gifts not having a value greater than \$300;
- (h) benefits received as a door prize, raffle or similar draw at an event, conference or seminar attended by the Member; and
- (i) any gift or benefit, if the Integrity Commissioner is of the opinion, before the gift or personal benefit has been accepted, that it is unlikely that receipt of the gift or benefit gives rise to a reasonable presumption that the gift or benefit was given in order to influence the Member in the performance of his or her duties.

7.3 A Member who has received and accepted a gift or benefit pursuant to Section 7.2 shall file a disclosure of the gift or benefit indicating the person, body or entity from which it was received together with the estimated value of the gift or benefit in accordance with the Disclosure Statement set out in Appendix "A". The list shall be provided to the Clerk on an annual basis commencing on March 31 of every year and shall be a matter of public record.

7.4 A Member shall not seek or obtain by reason of his or her office any personal privilege or advantage with respect to municipal services not otherwise available to the general public and not connected directly or indirectly to the performance of the Member's duties.

8.0 Confidential Information

8.1 Members receive confidential information from a number of sources as part of their work as elected officials. This includes information received in confidence by the Town that falls under the privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and other applicable privacy laws and information received during closed meetings of Council. Examples of types of information that a Member must keep confidential, unless expressly authorized by Council or as required by law, include, but are not limited to:

- (a) matters related to ongoing litigation or negotiation, or that is the subject of solicitor-client privilege;
- (b) information provided in confidence, for example the identity of a complainant where a complaint is made in confidence;
- (c) price schedules in contract tender or Request for Proposal submissions if so specified;
- (d) personnel matters about an identifiable individual;
- (e) "personal information" as defined in the *Municipal Freedom of Information and Protection of Privacy Act*; and
- (f) any census or assessment data that is deemed confidential.

- 8.2 A Member shall not disclose the content of any confidential information, or the substance of deliberations, of a closed meeting. A Member has a duty to hold any information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. All confidential documents received at a closed meeting are to be turned into the Clerk at the end of the closed meeting. A Member shall not, either directly or indirectly, release, make public or in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or as required by law.
- 8.3 A Member shall not disclose, use or release confidential information in contravention of applicable privacy laws. Members are only entitled to information in the possession of the Town that is relevant to matters before the Council, or a committee. Otherwise, Members enjoy the same access rights to information as any other member of the community or resident of the Town and must follow the same processes as any private citizen to obtain such information.
- 8.4 A Member shall not misuse confidential information in any way or manner such that it may cause detriment to the Town, Council or any other person, or for financial or other gain for themselves or others.
- 8.5 A Member shall respect the right to confidentiality and privacy of all clients, volunteers and staff, and should be aware of their responsibilities under applicable legislation, Town policies, procedures and rules, ethical standards and, where appropriate, professional standards.
- 8.6 A Member shall not disclose any confidential information received by virtue of his or her office, even if the Member ceases to be a Member.

9.0 Discrimination and Harassment

- 9.1 A Member shall treat all members of the public, one another and staff with respect and without abuse, bullying or intimidation and ensure that their work environment is free from discrimination and harassment.
- 9.2 A Member shall not use indecent, abusive or insulting words, phrases or expressions toward any member of the public, another Member or staff. A Member shall not make comments or conduct themselves in any manner that is discriminatory to any individual based on the individual's race, colour, ancestry, citizenship, ethnic origin, place of origin, creed or religion, gender, sexual orientation, marital status, family status, disability, age or record of offences for which a pardon has not been granted.
- 9.3 A Member shall comply with the Town's workplace harassment and violence policy.

10.0 Improper Use of Influence

- 10.1 A Member shall not use the influence of their office or appointment for any purpose other than the exercise of his or her official duties in the public interest.
- 10.2 A Member shall not use the status of their position to influence the decision of another person to the private advantage or non-pecuniary interest of themselves, their parents, children or grandchildren, spouse, or friends or associates, or for the purpose of creating a disadvantage to another person or for providing an advantage to themselves.

11.0 Conflicts of Interest

- 11.1 A Member shall seek to avoid conflicts of interest, both pecuniary and non-pecuniary. A Member shall comply with the requirements of the *Municipal Conflict of Interest Act* with respect to obligations relating to pecuniary interests. A Member shall take proactive steps to mitigate any non-pecuniary conflicts of interest in order to maintain public confidence in the Town and its elected officials.
- 11.2 Members are encouraged to seek guidance from the Integrity Commissioner when they become aware that they may have a conflict between their responsibilities to the public as a Member and any other interest, pecuniary or non-pecuniary.

12.0 Council Policies and Procedures

- 12.1 A Member shall observe and adhere to the policies, procedures and rules established from time to time by Council.

13.0 Election Activity

- 13.1 A Member is required to conduct themselves in accordance with the *Municipal Elections Act, 1996* and any Town policies pertaining to elections. The use of the Town's resources, both property and staff time, for any election-related activity is strictly prohibited. Election-related activity applies to the Member's campaign and any other election campaigns for municipal, provincial or federal office.

14.0 Respect for the Code of Conduct

- 14.1 A Member shall respect the process for complaints made under the Code of Conduct or through any process for complaints adopted by the Town. A Member shall not act in reprisal or threaten reprisal against a person who makes a complaint or provides information to the Integrity Commissioner during an investigation. A Member shall interact courteously and respectfully with the Integrity Commissioner and with any person acting under the direction of the Integrity Commissioner.

- 14.2 A Member shall cooperate with requests for information during any investigations or inquiries under the Code of Conduct. A Member shall not destroy or damage documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a complaint has been filed under the Code of Conduct or any process for complaints adopted by the Town.

15.0 Penalties for Non-Compliance with the Code of Conduct

- 15.1 Where Council receives a report from the Integrity Commissioner that there has been a violation of the Code of Conduct by a Member, Council may impose the following penalties on the Member:

- (a) a reprimand; or
- (b) a suspension of the remuneration paid to the Member in respect of his or her services as a Member for a period up to 90 days.

- 15.2 Council may, on the basis of a recommendation from the Integrity Commissioner, also take any or all of the following corrective or remedial actions, and require that the Member:

- (a) provide a written or verbal apology;
- (b) return property or make reimbursement of its value or of money spent;
- (c) be removed from or not be appointed to the membership on a committee of Council;
- (d) be removed from or not be appointed as chair of a committee of Council; and
- (e) comply with any other remedial or corrective action or measure deemed appropriate by the Integrity Commissioner.

16.0 Legal Fees

- 16.1 A Member of Council is responsible for his or her own legal costs if he or she retains a lawyer or paralegal to provide counsel, advice or representation on any matter related to the Code of Conduct, including, but not limited to, an investigation and the imposition of penalties or remedial or corrective measures or actions by the Integrity Commissioner.

17.0 Complaint Protocol

- 17.1 The Complaint Protocol – Code of Conduct is Appendix “B” to the Code of Conduct.

APPENDIX "A"

DISCLOSURE STATEMENT FOR GIFTS OR BENEFITS

Member's Name: _____

Gift Received or Nature of Benefit: _____

Received From: _____

Date of Receipt: _____ Value or Estimate of Gift: _____

Please describe the circumstances under which the Gift or Benefit was received:

Please describe your intentions with respect to the Gift or Benefit:

Do you anticipate transferring the Gift or Benefit described above to the municipality or the local board?

Yes, immediately _____ Yes, eventually _____ No _____

Member's Signature

Date

APPENDIX "B"

COMPLAINT PROTOCOL

PART A - INFORMAL COMPLAINT PROCEDURE

1. Any individual who identifies or witnesses behaviour or activity by a Member that they believe contravenes the Code of Conduct may seek to address the prohibited behaviour or activity themselves in the following manner by following the Informal Complaint Procedure:
 - (a) document the incident(s) where the Member may have contravened the Code of Conduct including dates, times, locations, other persons present, and any other relevant information;
 - (b) advise a third party about the concerns regarding the Member's actions;
 - (c) advise the Member that the behaviour or activity appears to contravene the Code of Conduct;
 - (d) identify to the Member the specific provision(s) of the Code of Conduct that may have been contravened;
 - (e) encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to undertake to refrain from future occurrences of the prohibited behaviour or activity;
 - (f) request the Integrity Commissioner to assist in informal discussion of the alleged complaint with the Member in an attempt to settle or resolve the issue;
 - (g) if applicable:
 - (i) confirm to the Member that his or her response is satisfactory, or
 - (ii) advise the Member that his or her response is unsatisfactory;
 - (h) consider the need to pursue the matter in accordance with the Formal Complaint Procedure set out in Part B, or in accordance with any other applicable judicial or quasi-judicial process or complaint procedure.
2. Individuals are strongly encouraged to pursue the Informal Complaint Procedure as the first means of remedying behaviour or activity of a Member that they believe violates the Code of Conduct.
3. With the consent of both the complaining individual and the Member, the Integrity Commissioner may participate in any informal process. The parties involved are encouraged to take advantage of the Integrity Commissioner's potential role as a mediator/conciliator of issues relating to a complaint.
4. The Informal Complaint Procedure is not a precondition or a prerequisite to pursuing the Formal Complaint Procedure related to the Code of Conduct set out in Part B.

PART B - FORMAL COMPLAINT PROCEDURE

Formal Complaints

- 1.(1) Any individual who identifies or witnesses behaviour or activity by a Member that they reasonably believe contravenes the Code of Conduct may file a formal complaint to request an inquiry by the Integrity Commissioner as to whether a Member has contravened the Code of Conduct in accordance with the following requirements:
 - (a) all complaints shall be in writing on the prescribed form (Formal Complaint Form # 1) and shall be dated and signed by an identifiable individual;
 - (b) the complaint must set out reasonable and probable grounds for the allegation that the Member has contravened the Code of Conduct must be accompanied by a supporting sworn affidavit setting out the evidence in full in support of the allegation; and
 - (c) Council may also file a complaint against any of its Members of an alleged contravention of the Code of Conduct by passing a resolution requesting the Integrity Commissioner to undertake an inquiry.
- (2) An elector, as defined in section 1 of the *Municipal Conflict of Interest Act*, or a person demonstrably acting in the public interest (collectively, a "complainant") may file a formal request that the Integrity Commissioner carry out an inquiry concerning an alleged contravention of section 5, 5.1 or 5.2 of that Act by a Member in accordance with the following requirements:
 - (a) all requests (also referred to as "complaints") shall be in writing on the prescribed form (Formal Complaint Form # 2) dated and signed by an identifiable individual;
 - (b) the request shall include a statutory declaration attesting to the fact that:
 - (i) the complainant became aware of the contravention not more than six (6) weeks before the date of the complaint, or
 - (ii) in the case where the complainant became aware of the alleged contravention during the period of time described in paragraph 1 of subsection 223.4.1(5) of the *Municipal Act, 2001*, that the complainant became aware of the alleged contravention during that period of time;
 - (c) Council may also pass a resolution requesting the Integrity Commissioner to undertake an inquiry respecting an alleged contravention of sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* by a Member and provide a statutory declaration as required by Section 1(2).
- (3) Individuals, electors or persons demonstrably acting in the public interest who file a formal complaint under Sections 1(1) or 1(2) must provide a full and complete record of evidence to the Integrity Commissioner who is under no obligation whatsoever to, but may, seek additional information to supplement or complete the evidentiary record to substantiate or support the allegations set out in the complaint or request.

Filing of Complaint and Classification by Integrity Commissioner

- 2.(1) The complaint may be filed with the Clerk by hard copy or directly with Integrity Commissioner by a sealed hard copy or by e-mail to the email address(es) set out on the Town's website.
- (2) The Integrity Commissioner shall initially classify the complaint to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code of Conduct and not covered by other legislation or other Council procedures, policies or rules as set out in Section 3 or whether it is a request under sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.

Complaints Outside Integrity Commissioner's Jurisdiction

3. If the complaint, including the supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the Code of Conduct or the complaint relates to matters addressed by other legislation under another Town procedure, policy or rule or request in relation to sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, the Integrity Commissioner shall advise the complainant in writing as follows:

Criminal Matter

- (a) if the complaint is, on its face, an allegation of a criminal nature consistent with the *Criminal Code*, the complainant shall be advised that:
 - (i) the Integrity Commissioner will refer it to the appropriate police service, or
 - (ii) the complainant may pursue it with the appropriate police service if the complainant wishes to pursue any such allegation;

Municipal Freedom of Information and Protection of Privacy Act

- (b) if the complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter must be referred to the Clerk to deal with under its access and privacy policies under that statute;

Other Procedure, Policy or Rule Applies

- (c) if the complaint appears to fall within the scope of another procedure, policy or rule of the Town, the complainant shall be advised to pursue the matter under such procedure, policy or rule with the appropriate Town official or staff member;

Lack of Jurisdiction

- (d) if the complaint is, for any other reason not within the jurisdiction of the Integrity Commissioner (for example, it relates to a decision of Council or a local board as a whole and not one or more individual Members), the complainant shall be so advised and provided with any additional reasons and referrals as the Integrity Commissioner considers appropriate;

Matter Already Pending

- (e) if the complaint is in relation to a matter which is subject to an outstanding complaint under another process such as a court proceeding, a human rights or workplace harassment complaint or similar process, or to a civil matter that is pending before the courts, the Integrity Commissioner may, in his/her sole discretion, suspend any investigation, in whole or in part, pending the result of the other process;

Similar Matter Already Pending

- (f) if the complaint is in relation to a similar matter which is subject to an outstanding complaint before the Integrity Commissioner, the Integrity Commissioner may, in his/her sole discretion, consider the matter in conjunction with the similar matter or deal with it separately, including not undertaking an inquiry if the matter can be adequately addressed in any report and/or recommendations made with respect to the complaint in the similar matter; and

Other Ethical Code or Policy Applies

- (g) if the complaint is in relation to a matter which is governed by a code of conduct, ethical code or similar procedure or policy of another body or entity which also governs the Members (for example, another board, body or committee to which the Member has been appointed), the Integrity Commissioner shall consider the most appropriate forum for the complaint and may, in his/her sole discretion, defer consideration of the matter pending any determination made by the other body or entity and shall so advise the complainant and, if necessary, the Member.

Limitation Period

- 4.(1) The Integrity Commissioner shall not accept a complaint under the Code of Conduct for which the event giving rise to the complaint occurred or came to the attention of the complainant more than six (6) months prior to the date of the filing of the complaint. The complainant must establish that the event giving rise to the complaint occurred and/or came to the complainant's attention within six (6) months of the complaint being filed in accordance with Section 2.
- (2) The Integrity Commissioner shall not accept a request relating to sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* except in accordance with the requirements of subsections 8(2)-(6) of that statute and section 223.4.1 of the *Municipal Act, 2001*.

Refusal to Conduct Investigation

- 5. The Integrity Commissioner has a discretion as to whether to carry out an investigation. If the Integrity Commissioner is satisfied, after considering the information contained in the complaint, that a complaint:
 - (a) is frivolous or vexatious,
 - (b) is not made in good faith,

- (c) constitutes an abuse of process,
- (d) discloses no grounds or insufficient grounds for an investigation, or
- (e) does not warrant a full investigation,

the Integrity Commissioner shall not be required to conduct an investigation and may summarily dismiss the complaint, and, where this becomes apparent during the course of an investigation, the Integrity Commissioner shall terminate the inquiry and provide notice to the complainant and, if necessary, to the Member.

Opportunities for Resolution

- 6. Following receipt and review of a formal complaint or at any time during the investigation where the Integrity Commissioner, in his or her discretion, 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 pursued to achieve an informal resolution.

Investigation

- 7.(1) The Integrity Commissioner may proceed as follows, except where the Integrity Commissioner has a full factual record and believes, in his or her sole discretion, that no additional information is required, or where otherwise required by the *Public Inquiries Act, 2009*, or where the Integrity Commissioner has not otherwise terminated the inquiry:
 - (a) provide the Member with an outline of the complaint with sufficient particularity to allow the Member to understand the complaint against him or her but the Integrity Commissioner shall not have any obligation to disclose:
 - (i) the identity of the complainant, or
 - (ii) the identity of any witnesses set out in the complaint or persons that are questioned/interviewed by the Integrity Commissioner,

unless it is essential for the Member to adequately respond to the complaint, which determination shall be made in the Integrity Commissioner's sole and absolute discretion;
 - (b) request that the Member provide a written response to the allegations in the complaint to the Integrity Commissioner within ten (10) business days;
 - (c) provide a copy of the Member's response to the complainant with a request that any written reply be provided by the complainant to the Integrity Commissioner within ten (10) business days; and
 - (d) extend the timelines set out above if the Integrity Commissioner deems it necessary to do so in his or her sole and absolute discretion.
- (2) If necessary, after reviewing the submitted materials, the Integrity Commissioner may contact and speak to or correspond with any other persons, access and examine any other

documents or electronic materials, including any materials on the Town's computers and servers, and may enter any Town work location relevant to the complaint for the purpose of investigation and potential resolution.

- (3) The Integrity Commissioner may, but is under no obligation, to provide the Member with a draft of the proposed draft report on the complaint.
- (4) The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any Member unless the Member has had an opportunity either in person or in writing to comment to the Integrity Commissioner on any preliminary or proposed finding(s).
- (5) The Integrity Commissioner may, but is under no obligation, to advise either the Member or the complainant of any proposed sanction or recommendation the Integrity Commissioner may include in the report to Council.
- (6) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction, intimidation, delay, reprisal or retaliation by the Member or by any other person encountered during the formal complaint investigation.
- (7) The Integrity Commissioner is entitled to make such additional inquiries and provide such additional reports to Council where necessary and as required to address any instances of non-compliance with any decision of Council including the failure to comply with any penalties or corrective measure or actions imposed by Council.
- (8) The Integrity Commissioner shall retain all records related to the complaint and investigation but may provide copies of certain records, in confidence, to Town administrative staff who are required to ensure that any such records are securely and confidentially retained.

No Complaint Prior to Municipal Election

- 8.(1) Notwithstanding any other provision of this Complaint Protocol, no complaint may be filed with the Integrity Commissioner, no report shall be made by the Integrity Commissioner to Council during the period of time starting on nomination day for a regular municipal election year, as set out in section 31 of the *Municipal Elections Act, 1996* and ending on the voting day in a regular election as set out in section 5 of the *Municipal Elections Act, 1996*.
- (2) If the Integrity Commissioner has received a complaint and has commenced an inquiry but has not completed the inquiry before nomination day in a regular municipal election year, the Integrity Commissioner shall terminate the inquiry on nomination day but may commence an inquiry in respect of the same complaint if within six (6) weeks after the voting day in a regular municipal election the individual who made the request makes a written request to the Integrity Commissioner in accordance with subsection 223.4(8) of the *Municipal Act, 2001*.

Advice Provided to Member by Integrity Commissioner

- 9.(1) Subject to Section 9(2), a Member is entitled to rely upon any written advice given by the Integrity Commissioner to the Member respecting the Code of Conduct in any subsequent consideration of the conduct of the Member in the same matter provided that the Member fully disclosed in writing all relevant facts known to him or her to the Integrity Commissioner and acted in accordance with the written advice provided by the Integrity Commissioner.
- (2) If the Integrity Commissioner applies to a judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the Member contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, the Member is entitled to advise the judge of any written advice given by the Integrity Commissioner provided that the Member fully disclosed in writing all relevant facts known to him or her to the Integrity Commissioner and acted in accordance with the written advice provided by the Integrity Commissioner.
- (3) A Member under investigation by the Integrity Commissioner shall not request advice from the Integrity Commissioner as to the Member's rights under the Code of Conduct, the *Municipal Conflict of Interest Act* or generally at law with respect to any matter that the Integrity Commissioner is investigating or reviewing with respect to the Member, nor is the Member entitled to rely upon any statement(s) made by the Integrity Commissioner during the course of any investigation or review that may impact the Member's rights under the Code of Conduct, the *Municipal Conflict of Interest Act* or generally at law.

Authority to Abridge or Extend

- 10.(1) Notwithstanding any requirement, obligation or timeline, set out in the Code of Conduct or this Complaint Protocol, the Integrity Commissioner shall retain the right to abridge or extend any provision therein in the public interest.

Investigation Report

- 11.(1) The Integrity Commissioner shall report to the complainant and the Member no later than ninety (90) days after the official receipt of any complaint under the Code of Conduct. If the investigation process is anticipated to or takes more than ninety (90) days, the Integrity Commissioner shall provide an interim report to Council and must advise the parties of the approximate date the report will be available. The Integrity Commissioner may also, at his or her discretion, advise any witnesses or other persons of the approximate date the report will be available.
- (2) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining the findings, the terms of any settlement and/or any recommended remedial or corrective measure or action.
- (3) The Integrity Commissioner may provide a copy of the report to the complainant and the Member whose conduct has been investigated in advance of the public release of the report, in strict confidence until the report is publicly released. The Member shall have the right to address the report if it considered by Council.
- (4) Where the complaint is not sustained, the Integrity Commissioner is not obligated to report to Council on the result of the investigation or any findings but may do so at his/her

discretion and may also include such information as he/she deems necessary in a report or as part of an annual or other periodic report by the Integrity Commissioner.

- (5) The Integrity Commissioner shall complete the investigation under the *Municipal Conflict of Interest Act* no later than one hundred eighty (180) days after the official receipt of any complaint validly made under Section 1(2) of this Part.

Findings

- 12.(1) If the Integrity Commissioner determines that:

- (a) there has been no contravention of the Code of Conduct, or section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, or
- (b) a contravention occurred but:
 - (i) the Member took all reasonable measures to prevent it, including having sought and followed the advice of the Integrity Commissioner;
 - (ii) it was trivial,
 - (iii) it was committed through inadvertence, or
 - (iv) it resulted from an error in judgment made in good faith,

the Integrity Commissioner may so state in the report and may make appropriate recommendations pursuant to the *Municipal Act, 2001*, including but not limited to, a recommendation of no penalty.

- (2) If the Integrity Commissioner considers it appropriate, once he or she has concluded the investigation under Section 1(2) of this Part, he or she may apply to a judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the Member has contravened section 5, 5.1 or 5.2 of that statute. If the Integrity Commissioner does not proceed with an application to the judge, he or she shall so advise the complainant.

Report to Council

13. Upon receipt of a report from the Integrity Commissioner with respect to the Code of Conduct, the Clerk shall place the report on the next regular agenda of Council for consideration by Council and Council must consider the report at that meeting and may accept or refuse the recommendations set out in the report and accept, refuse or vary any penalties or sanctions contained in the report. A report from the Integrity Commissioner may also be considered by Council in advance of its next regular meeting should Council agree to hold a special or other meeting before its next regular meeting to consider the report.

Duty of Council

14. Council shall consider and make a determination on the Integrity Commissioner's report at the same meeting at which the report is tabled.

Public Disclosure

15. (1) The Integrity Commissioner and every person acting under his or her jurisdiction shall preserve confidentiality where appropriate and where it does not interfere with the course of any investigation, except as required by law and as required by this Complaint Protocol.
- (2) The Integrity Commissioner shall retain all records related to the complaint and investigation although copies may be provided to the Town's administrative staff, subject to the duty of confidentiality under subsection 223.5 of the *Municipal Act, 2001*.
- (3) The identity of the Member who is the subject of the complaint shall not be treated as confidential information in the Integrity Commissioner's report to Council. The identity of the complainant and of any other person, including witnesses, may be disclosed if deemed appropriate and necessary by the Integrity Commissioner or if consented to by the complainant.
- (4) All reports from the Integrity Commissioner to Council shall be made available to the public by the Clerk.

Delegation by Integrity Commissioner

16. The Integrity Commissioner may delegate in writing to any person, other than a Member of Council, any of the Integrity Commissioner's powers and duties under Part V.1 of the *Municipal Act, 2001*.



THE CORPORATION OF THE TOWN OF GODERICH

BY-LAW NO. 99 OF 2019

A BY-LAW TO PRESCRIBE THE FORM AND MANNER AND TIMES FOR THE PROVISION OF PUBLIC NOTICE FOR THE TOWN OF GODERICH AND TO REPEAL BY-LAW NO. 122 OF 2007

WHEREAS the Corporation of the Town of Goderich is an accountable and transparent organization that believes that its residents should be made aware of the business of the municipality. Section 270 (1) 4 of the Municipal Act, 2001, c. 25 affirms that the municipality shall adopt and maintain a policy with respect to the circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.;

AND WHEREAS the Council of the Town of Goderich considers it appropriate to pass such a policy to set out the minimum notice requirements, a list of matters for which public notice is required, the form and the manner in which notice is to be given, with the minimum time for providing such notice;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF GODERICH ENACTS AS FOLLOWS:

1. DEFINITIONS

“Act” means the Municipal Act, 2001 S.O. 2001, c. 25 as amended from time to time, and includes any regulation made there under.

“Clerk” means the Town Clerk, or that person’s designate.

“Local board” is any body performing any public function (pursuant to Section 216 of the Act).

“Newspaper” the same meaning as indicated in Subsection 87 of the Legislation Act 2006, which reads as follows, in a provision requiring publication, means a document that; is printed in sheet form, published at regular intervals of a week or less and circulated to the general public; and consists primarily of news of current events of general interest; (“journal”).

“Plain Language” is a way of writing, organizing and presenting information so that it makes sense and is easy to read. Information should be presented with straightforward vocabulary and sentence structures and by organizing material clearly and logically, to ensure that messaging is clearly understood.

“Public Notice” or “Notice to the Public” means notice given to the public generally, but does not include notice given only to specified persons.

“Public Notices Page” means a separate page on the Town of Goderich’s website where notices are posted and archived.

“Subject Matter” means the issue, measure, requirement, meeting or other matter in respect of which a notice is being given.

“Town website” means the website maintained by the Town of Goderich with a separate Public Notices Page on the website.

2. APPLICATION

2.1 Where the Town is required to give Public Notice under a provision of the Act, the notice shall

be given in a form and manner and at times indicated in this policy unless:

- a) The Act, another statute, or a regulation prescribes or permits otherwise;
- b) The requirements of notice are prescribed in another policy or resolution;
- c) Council directs that other Public Notice is to be given as the Council considers in the circumstances.

2.2 This policy sets out the minimum requirement for the giving of Public Notice to be 10 days.

However, nothing in this policy shall prevent the use of more comprehensive methods of Public Notice or for providing for a longer Public Notice period.

2.3 No additional Public Notice will be required for subsequent meetings where a matter has been deferred to a subsequent meeting by Town Council or by a Committee of Council.

2.4 If a matter arises, which in the opinion of the Chief Administrative Officer, in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the Town of Goderich, or if a State of Emergency is declared, or is so advised by a Provincial Ministry, the Public Notice requirements of this policy may be waived and the Clerk shall make best efforts to provide as much notice as is reasonable under the circumstances.

2.5 Where possible Public Notices will be produced in a manner that encourages participatory democracy.

3. CONTENT OF PUBLIC NOTICES

3.1 Notice to the Public shall contain the following information when applicable:

- a) A general description, the purpose and effect of the proposed action of the subject matter;
- b) Date, time and location of any meeting at which the subject matter will be considered;
- c) Identification of the authority for the proposed By-Law;
- d) A key map or other description of any lands affected by the proposal;
- e) Where the matter relates to a defined location, sufficient particulars of the location to identify it generally, such as reference to a municipal address or street intersection, or a legal description or plan;
- f) Where written submissions may be made, or where delegations for the purpose of providing a verbal submission can be registered, the name and title of the person to whom written comments are to be sent, together with the address of the official and the deadline for receipt of such submissions;
- g) That the Public Notice is given by The Corporation of the Town of Goderich, or by the Town Clerk on its behalf.

4. ENHANCING PARTICIPATORY OPPORTUNITIES FOR THE PUBLIC

4.1 Where possible, Public Notice to the public shall be written in plain language and in an accessible manner. Public Notice shall incorporate the following strategies to enhance participatory opportunities for the public.

- a) Ability to scan for information: Make use of short sentences and paragraphs, and headers.
- b) Ease of reading: Use simple sentence structure and grammar.
- c) Use simple everyday words instead of technical jargon. Use active voice rather than passive voice.
- d) Target audiences: Anticipate their interests and address potential enquiries.
- e) Images: Use images especially if it helps readers understand the message.

5. POLICY APPLICATIONS

5.1 Schedule A – Notice Requirements Contained in the Municipal Act

6. REVIEW PERIOD

6.1 This Policy shall be reviewed every three years or as legislation requires.

7. SHORT TITLE

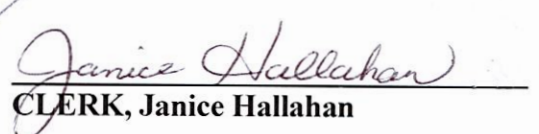
7.1 This policy may be referred to as the “Public Notice By-Law”.

THAT By-Law No. 122 of 2007 is hereby repealed, and this By-Law shall supersede all others.

THAT this By-Law shall come into full force and effect upon final passage.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25TH DAY OF NOVEMBER, 2019.



MAYOR, John C. Grace

CLERK, Janice Hallahan

SCHEDULE A – NOTICE REQUIREMENTS CONTAINED IN THE MUNICIPAL ACT

MUNICIPAL ACT SECTION AND SUBJECT MATTER	REQUIREMENT OF MUNICIPAL ACT	TOWN OF GODERICH NOTICE REQUIREMENTS
Section 99 Advertising Sign By-law – adoption, amendment, excluding variances	Before passing the By-Law, the municipality shall give public notice of its intention to pass the By-Law.	Website posting 10 days prior to Council meeting at which the matter is being discussed.
Section 150 General Licensing Powers	Before passing the By-Law, the municipality shall give public notice of its intention to pass the By-Law.	Website posting 10 days prior to Committee or Council meeting at which the matter is being discussed.
Section 173 Restructuring Proposal	Before the council of a municipality votes on whether to support or oppose a restructuring proposal, the council shall or may, as applicable, do the following things when the proposal is being developed or after it is developed: 1. Council shall consult with the public by giving notice of, and by holding, at least one public meeting. 2. Council shall consult with such persons or bodies as the Minister may prescribe. 3. Council may consult with such other persons and bodies as the municipality considers appropriate.	Council shall hold at least one public meeting. Website posting 10 days prior to the public meeting.
Section 187 Change of Name of Municipality	No public notice requirement.	Council shall hold at least one public meeting. Website posting 10 days prior to the public meeting.
Sections 204-210 Business Improvement Areas	A local municipality may designate an area as an improvement area and may establish a board of management. Before passing a by-law under subsection 204 (1), clause 208 (2) (b), subsection 208 (3) or section 209, notice of the proposed bylaw shall be sent by prepaid mail to the board of management of the improvement area, if any, and to every person who, on the last returned assessment	As required by the Act.

	roll, is assessed for rateable property that is in a prescribed business property class which is located, (a) where the improvement area already exists, in the improvement area and in any geographic area the proposed by-law would add to the improvement area; and (b) where a new improvement area would be created by the proposed by-law, in the proposed improvement area.	
Section 211 Business Improvement Areas Repealing By-Law	Council shall give notice of a proposed by-law to repeal a by-law establishing a business improvement area. Notice of the proposed by-law shall be sent by prepaid mail to the board of management of the improvement area, if any, and to every person who, on the last returned assessment roll, is assessed for rateable property that is in a prescribed business property class which is located, (a) where the improvement area already exists, in the improvement area and in any geographic area the proposed by-law would add to the improvement area; and (b) where a new improvement area would be created by the proposed by-law, in the proposed improvement area. Notice shall be given within 60 days of receiving a valid request to repeal the bylaw. Recipients are to respond within 60 days after the last day of mailing of the notices.	As required by the Act.
Section 216 Dissolution of Local Boards (Excluding Police Services Board)	No public notice requirement.	Notice by mail to local board 10 days prior to Committee or Council meeting at which matter is being considered.
Section 217-219 Council Composition	Before passing a by-law described in Section 218, the municipality shall give notice of its intention to pass the by-law and shall hold at least one public meeting to consider the matter.	Council shall hold at least one public meeting. Website posting 10 days prior to the public meeting.

Section 238 Procedure By-Law	No public notice requirement prior to passage of a procedural by-law.	Any change to the procedural by-law or the introduction of a new procedure by-law will require: Website posting 10 days prior to the public meeting. Website posting 10 days prior to Committee or Council meeting at which the matter is being considered.
Section 270 (1) 1 Sale of Land	A municipality shall adopt and maintain policies with respect to the sale and other disposition of land.	Website posting 10 days prior to regular Council or Committee meetings, at which the matter is being considered.
Section 270 (1) 4 Notice to the Public	A municipality shall adopt and maintain policies with respect to notice to the public and, if notice is to be provided, the form, manner and times notice shall be given	Website posting 10 days prior to regular Council or Committee meetings, at which the matter is being considered.
Sections 290-291 Budget – Adopt or Amend	No public notice requirement.	Website posting 10 days prior to Committee or Council meeting at which the matter is being considered.
Section 295 Financial Statements Publication	<p>Within 60 days after receiving the audited financial statements of the municipality for the previous year, the treasurer of the municipality;</p> <p>(a) shall publish in a newspaper having general circulation in the municipality,</p> <p>(i) a copy of the audited financial statements, the notes to the financial statements, the auditor's report and the tax rate information for the current and previous year as contained in the financial review, or (ii) a notice that the information described in subclause (i) will be made available at no cost to any taxpayer or resident of the municipality upon request; and</p> <p>(b) may provide the information described in subclause (a) (i) or (ii) to such persons and in such other manner as the treasurer considers appropriate.</p> <p>If a request is made under subsection (1), the treasurer shall provide a copy of the information to</p>	As required by the Act.

	the taxpayer or resident at no cost.	
Section 297 (4) Auditor	<p>The auditor may attend any meeting of members of council or any local board of the municipality and is entitled,</p> <p>(a) to receive all notices relating to the meeting that any member is entitled to receive; and</p> <p>(b) to make representations at that meeting on any matter that concerns him or her as auditor</p>	As required by the Act.
Section 318 Phase-in of Tax Changes Resulting from Reassessments	A notice of demand of taxes payable in respect of which there is a phase-in shall indicate the amount of taxes that would have been payable without the phase-in, the amount of taxes that are payable and the difference.	As required by the Act.
Section 331 Taxes on Eligible Properties	The assessment corporation shall provide a list of the comparable properties for each eligible property [as defined in 331(20) – i.e. properties with additional assessments; properties that cease to be exempt; properties that are added to the roll due to subdivision or severance of land; or properties for which there is a change in classification]. The municipality shall mail to the owner of each eligible property the list of comparable properties, along with the municipality's determination of taxes, within 60 days after the date the list of comparable properties is received by the municipality.	As required by the Act
Section 343 Notice of Tax Bill	The treasurer shall send a tax bill to every taxpayer at least 21 days before any taxes shown on the tax bill are due.	As required by the Act.
Section 348 Determination of Tax Status	The treasurer shall by February 28 in each year determine the position of every tax account as of December 31 of the preceding year. On making this	As required by the Act.

	determination, the treasurer shall send to every taxpayer who owes taxes from a preceding year a notice of those taxes and of the related late payment charges. The notice may be sent with a tax bill.	
Section 351 Seizure of Personal Property - Public Auction	Subject to certain conditions, the treasurer may seize personal property to recover the taxes and costs of the seizure. The treasurer or the treasurer's agent shall give the public notice of the time and place of the public auction and of the name of the person whose personal property is to be sold.	Website posting 10 days prior to auction. Notice to be published in the newspaper 10 days prior to auction. Written notice by mail, posted 2 weeks prior to auction, to sheriff, bailiff, assignee, liquidator, trustee or licensed trustee in bankruptcy As required by the Act.
Section 356 Division of Land into Parcels	Upon application by the treasurer of a municipality or to the treasurer by an owner of land, the municipality may divide land into two or more parcels; apportion unpaid taxes; and direct part payment of taxes to each of the parcels. On or before September 30 of the year following the year in which the application is made, council shall hold a meeting to consider the issue. Applicants and owners of any part of the land shall be notified of the meeting by mail sent at least 14 days before the meeting. Within 14 days of making its decision, council shall notify the applicants and owners of the decision and specify the last day for appealing the decision.	
Section 357 Cancellation, Reduction, Refund of Taxes	Upon receipt of an application, and subject to certain conditions, the municipality may cancel, reduce or refund all or part of taxes levied. On or before September 30 of the year following the year in respect of which the application is made, council shall hold a meeting at which all applicants may make representations to council. Applicants shall be	As required by the Act.

	<p>notified of the meeting by mail sent at least 14 days before the meeting. Within 14 days of making its decision, As required by the Act.</p>	
<p>Section 358 Overcharges Caused by a Gross or Manifest Error</p>	<p>Upon receipt of an application, and subject to certain conditions, the municipality may cancel, reduce or refund all or part of taxes which were overcharged due to a gross or manifest error in the preparation of the assessment roll. The treasurer shall send a copy of the application to the assessment corporation and the registrar of the Assessment Review Board. If the application is deemed to be invalid, the treasurer shall notify the applicant in writing of the reasons that it is not valid. On or before September 30 of the year following the year in which the application is made, council shall hold a meeting at which the applicant may make representations to council.</p> <p>The applicant shall be notified of the meeting by mail sent at least 14 days before the meeting. Within 14 days after making its decision, council shall notify the applicant of the decision.</p>	<p>As required by the Act.</p>
<p>Section 359 Increase of Taxes as a Result of any Undercharged Caused by a Gross or Manifest Error</p>	<p>Upon receipt of an application by the treasurer, the municipality may increase the taxes levied when the taxes were undercharged due to a gross or manifest error. The council shall hold a meeting at which the treasurer and the person in respect of whom the application is made may make representations to council. The council shall notify the parties of the meeting by mail sent at least 14 days before the meeting. Within 14 days of making its decision, council shall notify the parties of the decision and specify the last day for appealing the decision.</p>	<p>As required by the Act</p>

Section 365.2 (5) Tax Reduction for Heritage Property	If a local municipality passes a by-law to provide tax reductions or refunds to eligible heritage property, the Minister of Finance shall be notified within 30 days after the by-law is passed.	As required by the Act.
Section 374 Notice of Registration of Tax Arrears Certificate	Within 60 days after the registration of a tax arrears certificate, the treasurer shall send a notice of the registration of the certificate to the assessed owner of the land, to the spouse of the assessed owner of the land, and to every person appearing to have an interest in the land at the time of closing of the land registry office on the day the tax arrears certificate was registered.	As required by the Act.
Sections 379 and 381 Public Sale (Tax Arrears Certificate)	<p>If the cancellation price remains unpaid 280 days after the day the tax arrears certificate is registered, the Treasurer, within 30 days after the expiry of the 280- day period, shall send to the persons entitled to receive notice under section 374 a final notice that the land will be advertised for public sale unless the cancellation price is paid before the end of the one-year period following the date of the registration of the tax arrears certificate.</p> <p>If at the end of the one-year period the cancellation price has not been paid the land shall be offered by public auction or public tender. The treasurer shall make a statutory declaration stating the names of the persons to whom notice was sent previously and advertise the land for sale once in The Ontario Gazette and once a week for four weeks in a newspaper that, in the opinion of the treasurer, has such circulation within the municipality as to provide reasonable notice of the sale. After the sale is made, and within 60 days after making a</p>	As required by the Act.

	subsequent statement and payment to the Superior Court of Justice, the treasurer shall send a copy of the statement to the Public Guardian and Trustee and to the persons to whom notice was previously sent.	
Section 386.2 Tax Sales – Entering to Carry out Inspection without Warrant	<p>The following apply to an inspection under this Part carried out without a warrant:</p> <ol style="list-style-type: none"> 1. At least seven days before entering to carry out an inspection, the municipality shall, by personal service or by prepaid mail, serve a written notice of the inspection on the owners and occupants of the land as shown by the records of the land registry office and by the last returned assessment roll of the municipality in which the land is located. 2. The notice shall specify the date on which the municipality intends to enter on the land to commence the inspection. 3. If the municipality intends to enter on the land more than once during a period of time, the notice shall specify that period. 4. If the municipality intends to leave equipment on the land for a period of time, the notice shall set out a description of the equipment and the period of time during which the municipality intends to leave it on the land. 5. A notice served under this section by prepaid mail shall be deemed to have been received on the fifth day after the date of mailing of the notice. 6. A municipality shall not use force against any individual in carrying out the inspection. 7. A municipality shall only enter on land to carry out an inspection between the hours of 6 a.m. and 9 p.m. unless, after or concurrent with serving the notice 	As required by the Act.

	under paragraph 1, the municipality has given at least 24 hours written notice of the intent to inspect the land at other hours to the occupants by personal service, prepaid mail or by posting the notice on the land in a conspicuous place.	
Section 386.3 Tax Sales - Entering to Carry out Inspection with Warrant	<p>Notice of application for warrant</p> <p>(2) The municipality shall give the owners and occupiers of the land seven days written notice of,</p> <p>(a) the time when and the place where the application for the issuance or extension of a warrant is to be considered;</p> <p>(b) the purpose of the application and the effect of the application being granted;</p> <p>(c) the length of time the municipality is asking for a warrant to be issued or extended;</p> <p>(d) the right of an owner or occupant or a representative of an owner or occupant to appear and make representations; and</p> <p>(e) the fact that if the owner, occupant or representative fails to appear, the judge or justice of the peace may issue or extend the warrant in their absence.</p>	As required by the Act.
Section 391 By-Laws re Fees and Charges	No public notice requirement.	Notice is given to the public by posting the Council meeting date, agenda and by-laws on the Town's website.
Section 400 (d) Regulations - Local Improvement Charges – Priority Lien Status	The Minister may make regulations regarding fees and charges with priority lien status, including a requirement that the municipality give notice of its intention to pass a by-law imposing fees and charges which will have priority lien status.	As required by regulation.
Section 402 Notice to Incur a Debt	Upon receipt of an application of a municipality to incur a debt the Ontario Municipal Board may direct the municipality to give notice of the application to such persons and in such manner as	As required by the Board.

	the Board determines	
Section 431 Where Power of Entry Exercised	Except with respect to and entry to determine whether a by-law order or condition to a permit has been complied with or an entry under Section 87, 97, 122 or 166 or Clause 430 (a), (b) or (c)	This area of notice infers to the notice to an individual or a limited number of people and targets a very select group. Notice is sent by registered mail to the last known address, or hand delivered or by telephone.
Section 441 Collection of Unpaid Licensing Fines	If any part of a fine for a contravention of a business licensing by-law remains unpaid after the fine becomes due and payable under section 66 of the Provincial Offences Act, the authorized officer may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice.	As required by the Act.