



Integrity Commissioner Procedure
and the Council Code of Conduct
Subsection 223.3(1) — *Municipal Act, 2001*, as amended

The Town of New Tecumseth (the "Municipality") is committed to ensuring that any complaint filed pursuant to Part V.1 of the *Municipal Act, 2001* pursuant to an alleged Council Code of Conduct contravention is dealt with in a fair, equitable and expeditious manner.

The Municipality has established a Council Code of Conduct and has appointed an Integrity Commissioner to enforce it.

The Municipality commits to full co-operation including the provision of all information requested by the Integrity Commissioner, either written or through interviews.

In accordance with subsection 223.6(3) of the *Municipal Act, 2001*, the Municipality shall ensure that any reports received from the Integrity Commissioner are made available to the public. The Municipality commits to including any report received from the Integrity Commissioner related to an investigation under the statute, on a public agenda and to considering such report in an open public session of Council or Committee of the Whole of Council.

This procedure shall be posted on the Municipality's website and available from the Clerk/Administration Services Department, Town of New Tecumseth, 10 Wellington Street East, Alliston, ON L9R 1A1 or by contacting the Clerk/Administration Services Department at 705-435-3900 or through e-mail to info@newtecumseth.ca.

This procedure applies to all appointed Boards and sub-committees of the Municipality with the exception of the Police Services Board and the Public Library Board (legal consultation required).

Background

Through By-law No. 2015-013, the Municipality has appointed John Mascarin as its Integrity Commissioner and has authorized him to conduct investigations upon receipt of a complaint with respect to the Council Code of Conduct.

Procedures – Submission of Complaint

Prior to submitting a complaint, the complainant should contact the Council member to which the complaint relates to make him or her aware of the issue. Complainants are encouraged to discuss their concerns with the Council member and to seek an informal resolution with the Council member. It is recognized that this may not always be productive, but it is an important step in the process that is strongly recommended.

Complaints should be as detailed as possible in order to ensure that there are reasonable and probable grounds for the allegation that the Council member has contravened the Council Code of Conduct. Complainants should be aware that the Integrity Commissioner will initially review the complaint to ascertain whether it merits an investigation and that the complaint may be dismissed outright if it does not demonstrate on its face a possible contravention of the Council Code of Conduct. While the Integrity Commissioner can seek clarification and additional information, it is important to ensure that all pertinent facts and applicable documentation are provided as the Integrity Commissioner may summarily dismiss a complaint without undertaking an investigation or providing further notice to the Complainant.

All complaints will be treated as confidential by the Municipality and the Integrity Commissioner, unless authorization is given by the Complainant to release his or her identity.

Complaint forms may be downloaded from the Municipality's website or are available in the Clerk/Director of Administration Services Department.

A complaint shall be submitted using the Complaint Form to:

- the Clerk/Director of Administration Services in a sealed envelope clearly identified as a "Council Code of Conduct Complaint" as follows:

Integrity Commissioner
Council Code of Conduct Complaint
c/o Clerk/Director of Administration Services
Town of New Tecumseth
10 Wellington Street East
Alliston, ON L9R 1A1

Substance of Complaint

All complaints must be in writing and contain:

- Name of an identifiable individual as the Complainant
- Complainant's mailing address, telephone number and e-mail address (if applicable)
- Name of Council member(s) that the complaint relates to
- Date(s) of alleged contravention(s) of the Council Code of Conduct
- Provision(s) of the Council Code of Conduct allegedly contravened
- Detailed nature and background of the particular alleged contravention
- Name and contact information of any witnesses
- Any efforts undertaken (if any) to resolve the concern/issue
- Any other relevant information which is to be appended to the complaint
- Direction with respect to release of the Complainant's identity
- Original date and signature of the complainant

When a complaint is received by the Municipality, the Clerk/Director of Administration Services will proceed as follows:

1. Undertake an initial review to ensure that the substance of the complaint is compliant with the foregoing requirements;
2. Take all steps to ensure that the complaint remains confidential;
3. Assign a file number to the complaint and record the file number on the sealed envelope;
4. Log the file number together with the date and time the complaint was received;
5. Forthwith forward the complaint to the Integrity Commissioner.

Timeframe

The Integrity Commissioner will undertake an initial review of the complaint within two (2) weeks of receipt of the complaint. The Integrity Commissioner may summarily dismiss the complaint if he is of the opinion that it does not disclose a possible contravention of the Council Code of Conduct, if the matter is outside of his jurisdiction or if, in his opinion, is frivolous, vexatious or is not made in good faith. Otherwise, the Integrity Commissioner shall investigate and/or attempt to settle the complaint.

The Integrity Commissioner will seek to commence the investigation of any complaint within one (1) month of receipt of the complaint and to complete the investigation and provide a report to Council no later than three (3) months from the date of receipt of the complaint. These timelines may be extended by the Integrity Commissioner depending upon the nature and complexity of the investigation. Reasonable notice will be provided to the Complainant and to the Council member. The Integrity Commissioner will conduct his review, assessment and investigation of the complaint in an independent manner and in accordance with his authority under Part V.1 of the *Municipal Act, 2001*.