

Document 7

Proposed amendments to the Code of Conduct for Members of Council

*Proposed amendments are noted below in ~~strikethroughs~~ and **underlined additions**. Where new Subsections have been added, the following sections have been re-numbered accordingly.*

BY-LAW NO. 2018 – 400 (as amended by By-law 2021-10)

A by-law of the City of Ottawa to establish a code of conduct for Members of Council.

The Council of the City of Ottawa enacts as follows:

PART I

STATUTORY PROVISIONS REGULATING CONDUCT

1.

- (1) This Code of Conduct is a complement to the existing legislation governing the conduct of Members of Council.
- (2) The following federal, provincial legislation governs the conduct of Members of Council:
 - (a) the *Municipal Act, 2001*;
 - (b) the *Municipal Conflict of Interest Act*;
 - (c) the *Municipal Elections Act, 1996*;
 - (d) the *Municipal Freedom of Information and Protection of Privacy Act*;
 - (e) the *Provincial Offences Act*;
 - (f) the *Occupational Health and Safety Act*
 - (g) the *Ontario Human Rights Code*;
 - (h) the *Criminal Code of Canada*; and
 - (i) the by-laws and policies of Council as adopted and amended from time to time.

APPLICATION

2. This Code of Conduct applies to Members of Ottawa City Council and citizen members of the Transit Commission, when acting in their official capacity.

DEFINITIONS

3. In this by-law,

“Integrity Commissioner” means the Integrity Commissioner appointed by the City who is responsible for performing in an independent manner all of the functions described in Subsection 223.3(1) of the *Municipal Act, 2001*;

the terms “child”, “parent” and “spouse” have the same meanings as in the *Municipal Conflict of Interest Act*:

- (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) “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;
- (c) “spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

“Municipal staff” includes all employees, dependent contractors and volunteers of the City of Ottawa and, for purposes of certainty, extends to employees, dependent contractors and volunteers engaged to support Members' offices.

PART II

GENERAL INTEGRITY

4.

- (1) Members of Council are committed to performing their functions with integrity, accountability and transparency.
- (2) Members of Council are responsible for complying with all applicable legislation, by-laws and policies pertaining to their position as an elected official.

- (3) Members of Council recognize that the public has a right to open government and transparent decision-making.
- (4) Members of Council shall at all times serve and be seen to serve the interests of their constituents and the City in a conscientious and diligent manner and shall approach decision-making with an open mind.
- (5) Members shall avoid the improper use of the influence of their office and shall avoid conflicts of interest, both apparent and real.
 - (a) **Members shall file a disclosure statement with the Integrity Commissioner, in the form provided by the Integrity Commissioner, within 60 days of being elected and annually thereafter. The statement shall disclose the Member's private interests, and the private interests of the Member's parent(s), spouse, or child(ren).**
- (6) Members of Council shall not extend in the discharge of their official duties preferential treatment to any individual or organization if a reasonably well-informed person would conclude that the preferential treatment was solely for the purpose of advancing a private or personal interest.
- (7) For greater clarity, this Code does not prohibit members of Council from properly using their influence on behalf of constituents.

CONFIDENTIAL INFORMATION

1.

- (1) By way of their office, Members of Council acquire confidential information from a variety of different sources including confidential personal information related to constituents who have contacted their office. Confidential information includes information in the possession of, or received in confidence by the City, that the City is either prohibited from disclosing, or is required to refuse to disclose under the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA"). Members of Council shall not use information that is obtained in his or her capacity as a member and that is not available to the general public to further or seek to

further the member's private interest or improperly to further or seek to further another person's private interest.

- (2) In accordance with the rules under MFIPPA and the *Procedure By-law*, Members of Council shall not:
 - (a) Where a matter has been discussed *in camera*, and where the matter remains confidential, disclose the content of the matter or the substance of the deliberations of the *in camera* meeting (Subsection 42 (1) (d) of the *Procedure By-law*); and
 - (b) Disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so.

CONDUCT AT COUNCIL/COMMITTEE MEETINGS

2.

- (1) Members of Council shall conduct themselves with decorum at all City Council and Committee meetings in accordance with the provisions of the *Procedure By-law* (Section 42) being:
- (2) No member shall:
 - (a) Speak disrespectfully of the Reigning Sovereign or the Lieutenant-Governor of any province, or of a fellow member of Council or staff;
 - (b) Use offensive words or unparliamentary language;
 - (c) Speak on any subject other than the subject in debate;
 - (d) Where a matter has been discussed *in camera*, and where the matter remains confidential, disclose the content of the matter or the substance of the deliberations of the *in camera* meeting;
 - (e) Disobey the Rules of Procedure, or a decision of the Mayor or of the Council on questions of order or practice or upon the interpretation of the Rules of Procedure.

DISCRIMINATION AND HARASSMENT

7. All members of Council have a duty to treat members of the public, one another and staff with respect and without abuse, bullying or intimidation, and to ensure

that their work environment is free from discrimination and harassment. The *Ontario Human Rights Code* applies and, where applicable, the City's *Violence and Harassment in the Workplace Policy*.

IMPROPER USE OF INFLUENCE

8.

- (1) As an elected official, Members of Council are expected to perform their duties of office with integrity, accountability and transparency. Members of Council should not use the status of their position to influence the decision of another individual to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise.
- (2) In the same manner, and as outlined in the *Provincial Offences Act – Conflict of Interest Policy*, Members of Council shall not attempt to influence or interfere, either directly or indirectly, financially, politically or otherwise with employees, officers or other persons performing duties under the *Provincial Offences Act*.

USE OF MUNICIPAL PROPERTY AND RESOURCES

9.

- (1) In order to fulfill their roles as elected representatives, Members of Council have access to municipal resources such as property, equipment, services, staff and supplies. No member of Council shall use, or permit the use of City land, facilities, equipment, supplies, services, staff or other resources (for example, City-owned materials, websites, or a Member of Council Constituency Services Budget) for activities other than purposes connected with the discharge of Council duties or City business.
- (2) No Member shall obtain financial gain from the use or sale of City-developed intellectual property, computer programs, technological innovations, or other patent, trademark, copyright held by the City.

CONDUCT RESPECTING STAFF

10.

- (1) The *Municipal Act, 2001* sets out the roles of Members of Council and the municipal administration, including specific roles for statutory officers such as the Chief Administrative Officer, Clerk, Treasurer, Auditor General and the Integrity Commissioner.
- (2) Members of Council are expected to:
 - (a) represent the public and to consider the well-being and interests of the municipality;
 - (b) develop and evaluate the policies and programs of the municipality;
 - (c) determine which services the municipality provides;
 - (d) ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
 - (i) ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
 - (e) maintain the financial integrity of the municipality; and
 - (f) carry out the duties of council under the *Municipal Act, 2001* or any other Act.
- (3) The municipal administration is expected to:
 - (a) implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
 - (b) undertake research and provide advice to council on the policies and programs of the municipality; and
 - (c) carry out other duties required under the *Municipal Act, 2001* or any Act and other duties assigned by the municipality.
- (4) City Council as a whole has the authority to approve budget, policy, governance and other such matters. Under the direction of the City Manager, city staff, and the staff of the Offices of the Auditor General and the Integrity Commissioner, serves Council as a whole and the combined interests of all members as evidenced through the decisions of Council.
- (5) Members of Council shall be respectful of the role of the municipal administration to provide advice based on political neutrality and objectivity

and without undue influence from an individual Member or group of Members of Council.

- (6) Members of Council should not:
- (a) Maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of municipal staff;
 - (b) Compel municipal staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities; or
 - (c) Use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any municipal staff member with the intent of interfering in staff's duties.

EXPENSES

11.

- (1) Members of Council are provided with a Constituency Services Budget with which to run their offices. Expenses include items such as: community events, contributions and sponsorship, office supplies and staffing. The *Council Expense Policy* outlines the specifics of how expenses, contributions and sponsorships are to be handled and disclosed.
- (2) Members of Council are required to:
 - (a)** Adhere to the *Council Expense Policy* and related procedures and guidelines and ensure that conditions related to each expense are met; **and**
 - (b)** **Ensure the management of their offices is undertaken in accordance with all applicable policies and procedures.**
- (3) Falsifying of receipts or signatures by a Member of Council or their staff is a serious breach of this Code of Conduct and the *Criminal Code of Canada* and could lead to prosecution.

CONDUCT RESPECTING LOBBYING

12.

- (1) Members of Council, as public office holders, are routinely approached by various individuals attempting to influence decisions before Council or under the delegated authority of the Ward Councillor. While lobbying is an acceptable practice, disclosure of lobbying activities enhances the transparency and integrity of City business.
- (2) In accordance with the City's Lobbyist Registry, Members of Council shall review the Lobbyist Registry on a monthly basis to confirm that instances where they have been lobbied on a particular matter, including the specific matter and date, have been registered. Where lobbying activity has not been disclosed, the Member shall first remind the lobbyist of the requirement to disclose and, should the activity remain undisclosed, advise the Integrity Commissioner of the failure to disclose.
- (3) Further, Members of Council should ensure that individuals who are lobbying them are aware of their requirement to register as required under the requirements of the Lobbyist Registry. Members of Council should not knowingly communicate with a lobbyist who is acting in violation of the requirements of the Registry. If a Member of Council is or at any time becomes aware that a person is in violation of the rules related to lobbying, the Member should either refuse to deal with the lobbyist or, where appropriate, either terminate the communication with the lobbyist at once or, if in the Member's judgment it is appropriate to continue the communication, at the end of the communication, draw that person's attention to the obligations imposed by the Registry and report the communication to the City Clerk and to the Integrity Commissioner.
- (4) Unless pre-approved by the Integrity Commissioner, the acceptance of any gift, benefit, or hospitality from lobbyists with active lobbying registrations or from their registered clients or their employees by Members of Council or their staff is prohibited.
- (5) The principle here is to ensure that companies and individuals who may be seeking to do business with the City do not do so by giving gifts or favours to people in a position to influence vendor approval or decision-making.

- (6) The acceptance of sponsorships for events supported or organized by Members of Council is governed by the *Community, Fundraising and Special Events Policy*.

GIFTS, BENEFITS AND HOSPITALITY

13.

- (1) Members of Council are expected to represent the public and the interests of the municipality and to do so with both impartiality and objectivity. The acceptance of a gift, benefit or hospitality can imply favouritism, bias or influence on the part of the Member. At times, the acceptance of a gift, benefit or hospitality occurs as part of the social protocol or community events linked to the duties of an elected official and their role in representing the municipality.
- (2) Members of Council shall not accept gifts that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved. For these purposes, 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.
- (3) To enhance transparency and accountability with respect to gifts, benefits and hospitality, Members of Council will file a quarterly disclosure statement that will be added to a public Gifts Registry. Members of Council are required to disclose all gifts, benefits, hospitality and sponsored travel received which individually exceed \$100 from one source in a calendar year.
- (4) The disclosure statement must indicate:
 - (a) The nature of the gift, benefit or hospitality;
 - (b) Its source and date of receipt;
 - (c) The circumstances under which it was given or received;
 - (d) Its estimated value;
 - (e) What the recipient intends to do with the gift; and
 - (f) Whether the gift will at any point will be left with the City.

- (5) In the case of requirement (f) of the disclosure statement, those gifts received by Members of Council which have significance or historical value for the City of Ottawa shall be left with City Archives when the Member ceases to hold office.

ACCEPTANCE OF EVENT TICKETS

- (6) The City of Ottawa is home to many types of festivals, community, cultural and sports events. The City is also the host site for many federal, provincial, National Capital Commission events. Consequently, Members of Council are often expected to attend or are frequently encouraged to attend by being provided with tickets or invitations.
- (7) As with gifts, the acceptance of this kind of benefit can appear to be a means of undue influence. While the choice of venues and events they attend is entirely at the discretion of Members of Council, when accepting tickets as a gift or benefit, Members of Council shall observe the following limits:
 - (a) To further enhance transparency all tickets of a value exceeding \$30 shall be disclosed quarterly in the Gifts Registry, along with the disposition thereof (e.g. who attended with the Member, or if donated, to whom or what organization).
 - (b) A limit of two tickets for up to two events from one source in a calendar year is permitted and requires disclosure;
 - (c) Accepting any tickets for subsequent events from the same source is prohibited.
- (8) On receiving a disclosure statement, the Integrity Commissioner, shall examine it to ascertain whether the receipt of the gift or benefit might, in his or her opinion, create a conflict between a private interest and the public duty of the Member or in consultation with the City Archivist whether the gift has significance or historical value for the City.
- (9) In the event that the Integrity Commissioner makes that preliminary determination, he or she shall call upon the Member to justify receipt of the gift or benefit.

- (10) Should the Integrity Commissioner determine that receipt was inappropriate, he or she may direct the Member to return the gift or remit the value of any gift or benefit already consumed to the City.
- (11) The following are recognized as exceptions and do not require registration:
- (a) compensation authorized by law;
 - (b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
 - (c) a political contribution otherwise reported by law, in the case of members running for office;
 - (d) services provided without compensation by persons volunteering their time;
 - (e) a suitable memento of a function honouring the member;
 - (f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, 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;
 - (g) food and beverages consumed at banquets, receptions or similar events, if:
 - (i) attendance serves a legitimate business purpose;
 - (ii) the person extending the invitation or a representative of the organization is in attendance; and
 - (iii) the value is reasonable and the invitations infrequent;
 - (h) communication to the offices of a member, including subscriptions to newspapers and periodicals;
 - (i) sponsorships and donations for community events organized or run by a Member or a third party on behalf of a member, subject to the limitations set in the Council Expense Policy;
 - (j) gifts of a nominal value (e.g. baseball cap, t-shirt, flash drive, book, etc.); and
 - (k) any other gift or personal benefit, if the Integrity Commissioner is of the opinion 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.

- (12) The Gifts Registry will be updated on a quarterly basis and posted on the City's website for public viewing.

ELECTION-RELATED ACTIVITY

14. Members of Council are required to conduct themselves in accordance with the *Municipal Elections Act, 1996* and the City's *Election-Related Resources Policy*. The use of municipal resources, both actual municipal property and staff time, for election-related activity is strictly prohibited. The prohibition applies to both the promotion and opposition to the candidacy of a person for elected office. Election-related activity applies not only to a Member's personal campaign for office, but also other campaigns for municipal, provincial and federal office.

PART III

COMPLIANCE WITH THE CODE OF CONDUCT

15.
 - (1) Members of Council are expected to adhere to the provisions of the Code of Conduct. The *Municipal Act, 2001* authorizes Council, where it has received a report by its Integrity Commissioner that, in his or her opinion, there has been a violation of the *Code of Conduct*, to impose one of the following sanctions:
 - (a) A reprimand; and
 - (b) Suspension of the remuneration paid to the member in respect of his or her services as a member of Council or a local board, as the case may be, for a period of up to 90 days.
 - (2) The Integrity Commissioner may also recommend that Council impose one of the following sanctions:
 - (a) Written or verbal public apology;
 - (b) Return of property or reimbursement of its value or of monies spent;
 - (c) Removal from membership of a committee; and
 - (d) Removal as chair of a committee.
 - (3) The Integrity Commissioner has the final authority to recommend any of the sanctions above or other remedial action at his or her discretion.

SHORT TITLE

16. This By-law may be referred to as the "Code of Conduct for Members of Council".

EFFECTIVE DATE

17. This by-law shall be effective as of March 1, 2019.

ENACTED AND PASSED this 12th day of December 2018.

CITY CLERK

MAYOR

APPENDIX "A"
COMPLAINT PROTOCOL

PART I
INFORMAL COMPLAINT PROCEDURE

INFORMAL COMPLAINTS

1. Any individual who identifies or witnesses behaviour or activity by a sitting Member of Council or a citizen member of the Transit Commission, that appears to be in contravention of the Code of Conduct for Members of Council (the "Code of Conduct") may address the prohibited behaviour or activity themselves in the following manner:

- (a) Advise the Member that the behaviour or activity appears to contravene the Code of Conduct;
- (b) Encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity;
- (c) Document the incidents including dates, times, locations, other persons present, and any other relevant information;
- (d) Request the Integrity Commissioner to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue;
- (e) If applicable, confirm to the member your satisfaction with the response of the Member; or, if applicable, advise the Member of your dissatisfaction with the response; and
- (f) Consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part II, or in accordance with any other applicable judicial or quasi-judicial process or complaint procedure.

2. Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying behaviour or an activity that they believe violates the Code of Conduct. 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. However, the informal process is

not a precondition or a prerequisite to pursuing the formal complaint procedure outlined in Part II.

PART II FORMAL COMPLAINT PROCEDURE

FORMAL COMPLAINTS

3. Any individual who identifies or witnesses behaviour or an activity by a sitting Member of Council or a citizen member of the Transit Commission, that they believe is in contravention of the Code of Conduct for Members of Council, may file a formal complaint in accordance with the following conditions:

- (a) All complaints shall be made in writing 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. A supporting affidavit setting out the evidence in support of the allegation must also be included.
- (c) If the complainant is a Member of Council, a citizen member of the Transit Commission or the staff person of a Member of Council, their identity shall not be protected if the Integrity Commissioner finds that the complaint was not made in good faith.
- (d) City Council and the Transit Commission may also file a complaint and/or request an investigation of any of its membership by public motion.

FILING OF COMPLAINT AND CLASSIFICATION BY INTEGRITY COMMISSIONER

- 4.
- (1) The complaint shall be filed with the Integrity Commissioner for initial classification 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 policies as described in Section 5.
 - (2) If the complaint does not include a supporting affidavit, the Integrity Commissioner may defer the classification until an affidavit is received.

COMPLAINTS OUTSIDE INTEGRITY COMMISSIONER JURISDICTION

5. If the complaint, including any supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the Code of Conduct or the complaint is covered by other legislation or complaint procedure under another Council policy, the Integrity Commissioner shall advise the complainant in writing as follows:

CRIMINAL MATTER

- (a) If the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate Police Service.

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 City Clerk for Access and Privacy review.

OTHER POLICY APPLIES

- (c) If the complaint seems to fall under another policy, the complainant shall be advised to pursue the matter under such policy.

LACK OF JURISDICTION

- (d) If the complaint is, for any other reason not within the jurisdiction of the Integrity Commissioner, 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 Human Rights complaint or similar process, the Integrity Commissioner may, in his/her sole discretion and in accordance with legislation, suspend any investigation pending the result of the other process.

PERIODIC REPORTS TO COUNCIL

6. The Integrity Commissioner shall report to Council semi-annually during the first year, and annually thereafter. In his/her report to Council, he/she shall report on all complaints received and, on their disposition, (including complaints deemed not to be within the jurisdiction of the Integrity Commissioner).

REFUSAL TO CONDUCT INVESTIGATION

~~7. If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not investigate and, where this becomes apparent in the course of an investigation, shall terminate the investigation.~~

7. The Integrity Commissioner may refuse to investigate a complaint or may terminate an investigation, if the Integrity Commissioner is of the opinion that:

- (a) there are no grounds or insufficient grounds for an investigation;**
- (b) the complaint is frivolous, vexatious or not made in good faith;**
or
- (c) an investigation, or continuation of an investigation, would serve no useful purpose.**

OPPORTUNITIES FOR RESOLUTION

- 8.
 - (1) Following receipt and review of a formal complaint, or at any time during the investigation, where the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued without a

formal investigation, and both the complainant and the Member agree, efforts may be pursued to achieve an informal resolution.

- (2) The Integrity Commissioner may also decide during his investigation that complaints relating to the following matters may not be Code of Conduct issues and may more appropriately be dealt with through other channels. With the consent of the complainant, the Integrity Commissioner may refer complaints as follows:
 - (a) Formal complaints related to the interaction of municipal staff and Members of Council may be handled by the City Manager and the City Clerk, in consultation with the Mayor's Office.
 - (b) Formal complaints pertaining to matters involving current and former Councillors' Assistants may be handled by the City Clerk.
 - (c) Formal complaints concerning matters between one or more Members of Council may be handled by the Member Services Sub-Committee.

INVESTIGATION

9.

- (1) The Integrity Commissioner will proceed as follows, except where otherwise required by the *Public Inquiries Act*:
 - (a) Provide the complaint and supporting material to the member whose conduct is in question with a request that a written response to the allegation be provided within ten business days; and
 - (b) **May** provide a copy of the response, **or portions thereof**, provided to the complainant with a request for a written reply within ten business days.
- (2) If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials and may enter any City work location relevant to the complaint for the purpose of investigation and potential resolution.
 - (a) The Member who is the subject of the investigation may consult with a lawyer and charge this to their office budget. If the complaint is determined to have merit, the Integrity Commissioner may require the Member to reimburse these expenses to the City. If the subject

of the investigation of a citizen member of the Transit Commission, the costs may be expensed to the Council administration budget through the Clerk's office.

- (3) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction, delay or retaliation encountered during the investigation.
- (4) If the Integrity Commissioner has not completed an investigation before Nomination Day for a regular election, as set out in the *Municipal Elections Act, 1996*, the Integrity Commissioner shall terminate the inquiry on that day.
 - (a) If an investigation is terminated in accordance with Subsection 9(4), the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after Voting Day in a regular election, the complainant who made the request or the member or former member whose conduct is concerned makes a written request to the Integrity Commissioner that the investigation be commenced.
- (5) The Integrity Commissioner shall retain all records related to the complaint and investigation.

NO COMPLAINT PRIOR TO MUNICIPAL ELECTION

10. Notwithstanding any other provision of this Protocol, no complaint may be referred to the Integrity Commissioner, or forwarded by the Clerk for review and/or investigation during the period of time starting on Nomination Day and ending on Voting Day in any year in which a regular municipal election will be held, as set out in the *Municipal Elections Act, 1996*.

RECOMMENDATION REPORT

- 11.
- (1) The Integrity Commissioner shall report to the complainant and the member generally no later than 90 days after the intake process has been completed and an investigation has been commenced. If the investigation

process takes more than 90 days, the Integrity Commissioner shall provide an interim report and must advise the parties of the date the report will be available.

- (2) Following the completion of an investigation, the Integrity Commissioner shall provide the member with a copy of a draft report and offer the member the opportunity to provide comments within five business days.
- (3) 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 corrective action.
- (4) The Integrity Commissioner shall give a copy of the report to the complainant and the Member whose conduct is concerned. The Member shall have the right of reply when the report is considered by Council.
- (5) Where the complaint is not sustained, except for in exceptional circumstances, the Integrity Commissioner shall not report to Council the result of the investigation except as part of an annual or other periodic report.

MEMBER NOT BLAMEWORTHY

12. If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of 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*.

REPORT TO COUNCIL

13. Upon receipt of a report, the Clerk shall indicate, on the next agenda of City Council, Notice of Intent from the Integrity Commissioner to submit a report for consideration at the following regular meeting of City Council.

NO REPORTS PRIOR TO MUNICIPAL ELECTION

14. Notwithstanding any other provision of this Protocol, the Integrity Commissioner shall not make any report to Council or to any other person during the period of time starting on Nomination Day and ending on Voting Day in any year in which a regular municipal election will be held, as set out in the *Municipal Elections Act, 1996*.

DUTY OF COUNCIL

15. Council shall consider and respond to the report at the next meeting of Council after the day the report is laid before it.

- (a) Council shall not consider whether to impose sanctions on a Member, where the Integrity Commissioner makes a report to Council regarding a contravention of the Code of Conduct, during the period of time starting on Nomination Day and ending on Voting Day in any year in which a regular municipal election will be held, as set out in the *Municipal Elections Act, 1996*.

PUBLIC DISCLOSURE

16.

- (1) The Integrity Commissioner and every person acting under his or her jurisdiction shall preserve confidentiality where appropriate and where this 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.
- (3) At the time of the Integrity Commissioner's report to Council, the identity of the person who is the subject of the complaint shall not be treated as confidential information if the Integrity Commissioner finds that a breach has occurred.
- (4) All reports from the Integrity Commissioner to Council will be made available to the public on ottawa.ca.