



Request for Proposal Integrity Commissioner

Issue Date: March 4, 2024

Closing Date: March 29, 2024

Time: 4:00pm EST

Location: 7 Lakeshore Drive, PO Box 220
Temagami, ON, P0H 2H0

Contact: Rhonda Smith, Municipal Clerk

clerk@temagami.ca

General Description

You are invited to submit a proposal for the services of an Integrity Commissioner to administer the approved Code of Conduct and all associated approved By-laws and Legislation.

Please submit one (1) original of your proposal along with the completed attached RFP proposal form(s) Schedule "A", in a sealed envelope quoting the RFP number, the Respondent's contact information, marked 'Confidential' and on or before the closing date and time at the address below by March 29, 2024 at 4:00pm EST.

Submissions are to be delivered to:

Rhonda Smith, Municipal Clerk
7 Lakeshore Drive, PO Box 220,
Temagami, ON, P0H 2H0

Re: RFP Integrity Commissioner Submission

Electronic submissions are allowable by email ONLY. The proposal must contain all mandatory information specified and must be received on or before the closing date and time to the email address listed below and contain the following subject line:

clerk@temagami.ca

Re: RFP Integrity Commissioner Submission

For more information, please contact Rhonda Smith at the email address provided above or by telephone.

Telephone: 705-569-3421 ext.211

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Municipal Clerk
RFP INTEGRITY COMMISSIONER 2024

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Vision • Experience – Unique and personal natural and developed experiences. • Environment – Coexistence between the natural and built environment. • Social Communities – Communication and co-ordination between permanent, seasonal, and Indigenous residents. • Economy – Sustainable and diverse economic opportunities in the recreational, forestry, mining, manufacturing, institutional, and government sectors. • Form of Development – Encourage development which conserves wildlife and is allocated to appropriate locations around the Municipality.

Section 1.0 – General Conditions

1.1 Form of Proposal

To ensure similarity in the proposal presentation, and to help facilitate the comparison of competing proposals, respondents should refer to the attached 'Proposal Form' Schedule "A" to submit their proposal or to guide them in ensuring their proposal includes all minimum information requirements. The form must be submitted with signature even if the proposal is contained in a separate document.

If desired, documents may be attached to the proposal which substantiate the respondent's claims or a different proposal format can be utilized entirely at the discretion of the respondent providing that all requested information is included and required signatures provided.

Entire proposal submissions are to be placed in a sealed envelope (package) with the submitting firm's name clearly evident and addressed to the Municipal Clerk at the address noted, and must contain the RFP number.

OR

Electronic submissions must contain all mandatory information specified and must be sent to the email address: clerk@temagami.ca.

No announcement concerning the award of this proposal will be made until a complete report and analysis is prepared by the Municipal Clerk and approval is received by Council in accordance with the Municipality's 'Procurement Policy'.

The respondent shall NOT hold the Municipality liable for any error or omission in any part of the RFP documents. The Municipality does not guarantee or warrant that the RFP documents are accurate, comprehensive or exhaustive. This does not create any contractual rights or obligations between the Municipality and the responding firm. The Municipality at its own discretion may or may not award this business or any part or combination of parts of it to any firm.

1.2 Submission Process

Please submit one (1) original of your proposal along with the completed attached RFP 'Proposal Form(s)' Schedule "A" in a sealed envelope quoting the RFP number, the respondent's contact information, marked 'Confidential' and deliver on or before the closing date and time at the address below by March 4, 2024 at 4:00pm EST.

Submissions are to be delivered to:

Rhonda Smith, Municipal Clerk
7 Lakeshore Drive, PO Box 220
Temagami, ON, P0H 2H0

Re: RFP Integrity Commissioner – Submission

Electronic submissions are allowable by email. The proposal must contain all mandatory information specified and must be received on or before the closing date and time to the email address listed below and contain the following subject line:

clerk@temagami.ca

Re: RFP Integrity Commissioner – Submission

For information, please contact the above at the address provided, or by telephone or email.

Telephone: 705-569-3421 ext.211

Email: clerk@temagami.ca

Proposals must be signed by an official authorized to bind the firm or by the individual offering his/her services and will provide the name(s), title(s), addresses and telephone numbers of the individuals to be contacted during the evaluation process.

All proposals shall become the property of the Municipality.

It is the responsibility of each respondent to submit all required documents as outlined in this 'Request for Proposal'.

Submissions will not be accepted after 4:00pm EST March 29, 2024.

1.3 Definitions

Unless the context otherwise requires, the following terms whenever used in this RFP have the following meanings:

Applicable Law means with respect to any person, property transaction, event or other matter, any rule, statute, regulation, By-law, Order Judgement, decree, treaty or other requirement having the force of law relating or applicable to such person property, transaction, event or other matter, and includes where appropriate any interpretation of a role, statute, regulation, order, decree, treaty or other requirement having the force of law by any person having jurisdiction over it, or charged with its administration or interpretation.

Best Value means an evaluation of a combination of cost effectiveness and qualitative considerations designed to optimize successful user outcomes.

Bid means a proposal, tender, quotation or offer which includes a price quotation submitted in response to an invitation by the Municipality.

Business Day means any day except a Saturday, Sunday or any day that is a legal holiday in the Province of Ontario. The core business hours for the Municipality of Temagami are Monday through Friday 8:00am to 4:30pm EST.

Confidential Information means any and all material, data, information or any item in any form including intellectual property rights.

Contract means an agreement (if any), the purchase order and any subsequent changes. A written agreement enforceable by law; the acceptance of an offer between legally qualified parties containing consideration and performance.

Fiscal Year means the Municipality's fiscal year which as of the effective date, is a continuous period covering a full three-hundred-sixty-five (365) days three-hundred-sixty-six (366) days in leap years, commencing on January 1st and ending December 31st.

Municipality shall mean the Corporation of the Municipality of Temagami.

Request for Proposal (RFP) means the document issued by the Municipality inviting proposals for the performance of services therein.

Respondent means anyone submitting a proposal in response to this RFP.

Vendor means a company or a person who sells goods and services.

1.4 Late Submissions

Proposals received after the official closing date and time will NOT be considered during the selection process. An extension may be granted due to unforeseen circumstances at the discretion of the Municipality.

1.5 Last Date for Questions

The Municipality assumes no responsibilities for oral instruction or suggestion. Any clarification of this document or requests for additional information must be received by 3:00pm EST March 22, 2024 in writing to:

Rhonda Smith, Municipal Clerk
7 Lakeshore Drive, PO Box 220
Temagami, ON, P0H 2H0
clerk@temagami.ca
705-569-3421 ext.211

1.6 Completion of the Proposal

All items shall be submitted according to any instruction in the Request for Proposal Documents. Proposals which are incomplete, conditional, illegible or obscure, or that contain additions not called for, reservations, erasures, alterations incorrectly submitted, or irregularities of any kind may be rejected.

1.7 Proposal Withdrawal

Any proposal may be withdrawn prior to the scheduled time for proposal closing, or authorized postponement thereof. Withdrawals received verbally are NOT acceptable. Withdrawals must be received in writing.

1.8 Respondent Expense

Any expenses incurred by the respondent in the preparation of the proposal submission are entirely the responsibility of the respondent and will not be charged to the Municipality.

1.9 Examination of Request for Proposal Documents

Each respondent must satisfy himself/herself by a personal study of the RFP documents by calculations, and by personal inspection of the site (if applicable), respecting the conditions existing or likely to exist in connection with the proposed work.

1.10 Inquiries, Discrepancies and Interpretations

Should a respondent find omissions from or discrepancies in any of the RFP documents, or should the respondent be in doubt as to the meaning of any part of such documents the respondent shall notify the designated person and office without delay. If the designated person considers that a correction, explanation, or interpretation is necessary or desirable, an addendum will be issued to all who have received RFP documents.

No oral explanation or interpretation will modify any of the requirements or provisions of the proposal documents.

1.11 Acceptance or Rejection of Proposals

1.11.1 Rejection

The Municipality reserves the right to reject any or all proposals and to waive formalities as the interests of the Municipality may require without stating reasons therefor.

1.11.2 Liability

The Municipality shall NOT be responsible for any liabilities, costs, expenses, loss or damage incurred, sustained or suffered by any respondent by reason of the acceptance or the non-acceptance by the Municipality of any proposal or by reason of any delay in the acceptance of a proposal, except as provided in the proposal document.

1.11.3 Acceptance Period

Each proposal shall be open for acceptance by the Municipality for a period of sixty (60) calendar days following the date of closing.

1.12 Errors and/or Omissions

The Municipality shall NOT be held liable for any errors and/or omissions in any part of the RFP. While the Municipality has used considerable efforts to ensure an accurate representation of information in this RFP, the information contained in the RFP is supplied solely as a guideline for respondents. The information is not guaranteed or warranted to be accurate by the Municipality, nor is it necessarily comprehensive or exhaustive. Nothing in the RFP is intended to relieve the respondents from forming their own opinions and conclusions with respect to the matters addressed in the RFP.

1.13 Addenda

If required by the Municipality, addenda will be distributed to all respondents registered as a document taker for this proposal. Addenda will be distributed using the latest contact information as provided by the respondent. It is the respondent's responsibility to notify the Municipality of any changes to their email or mailing address. It is the respondent's ultimate responsibility to ensure all addenda have been received.

Respondents shall be required to acknowledge receipt of addenda on the respondent's proposal form Schedule "A" contained in the 'Proposal Document'.

1.14 Proposal Award Procedures

Unless stated otherwise, the following procedures will apply:

1.14.1 Response

The Municipality will notify the Successful Respondent of the award within sixty (60) calendar days of the proposal closing.

1.14.2 Notice

Notice of acceptance of proposal will be by telephone and by written notice.

1.14.3 Liability Insurance

Immediately after acceptance of the proposal by the Municipality, the successful respondent shall provide the Municipality with the Certificate of Liability Insurance. If required and any other required documents within fourteen (14) calendar days of the date of Notification of Acceptance and Award.

1.15 Ability and Experience of Respondent

The Municipality will NOT award this contract to any respondent who does not furnish satisfactory evidence of possessing the ability and experience in this class of work and sufficient capital and equipment/manpower to ensure acceptable performance and completion of the proposal. Any proposal will be considered non-compliant if reference checks or past experience is deemed unsatisfactory, in the opinion of the Municipality.

1.16 Responsibility for Damages

As per Subsection 223.3(6) of the Municipal Act 2001, R.S.O. c.25 as amended, the Municipality shall indemnify and save harmless the Commissioner once appointed or any person acting under the instructions of that officer for costs reasonably incurred by either of them in connection with the defense of a proceeding if the proceeding relates to an act done in good faith in the performance of a duty or authority under this part or a By-law passed under it or an alleged neglect or default in the performance in good faith of the duty or authority.

1.17 Regulation Compliance and Legislation

The successful respondent shall ensure all services and products provided in respect to this proposal are in accordance with, and under authorization of all applicable authorities, Municipal, Provincial and/or Federal Legislation and Standards.

1.18 Sub-Consultants

No Sub-Consultants or collateral agreements shall be permitted with respect to the work of this assignment, except with the Municipality's express written consent and in advance of commencement of Sub-Consultant's activities unless otherwise permitted by Legislation.

Failure to obtain this consent may result in cancellation of the contract with the successful respondent.

1.19 Character and Employment of Workers

The successful respondent shall employ only orderly, competent, and skillful employees to ensure that the services are carried out in a respectable manner.

1.20 Governing Laws

This proposal and subsequent contract/agreements will be interpreted and governed by the laws of the Province of Ontario.

1.21 Freedom of Information

All correspondence, documentation and information provided shall become the property of the Municipality. Any personal information required on the documentation presented is received under the authority of the Municipal Act, 2001, and is subject to the rules set out under the Municipal Freedom of Information and Protection of Privacy Act. This information will be an integral component of the quote submission.

All written proposals received by the Municipality become a public record, once a proposal is accepted by the Municipality, and a contract is signed, all information contained in them is available to the public, including personal information.

Section 2.0 – Specific Conditions

2.1 Participating Municipality

The participating Municipality to the request for proposals is as follows:

The Corporation of the Municipality of Temagami

2.2 Payment

The Municipality is open to discussing appropriate payment terms with the successful respondent based on mutual agreement.

2.3 Performance

Any undue delays in the execution of the work and/or costs incurred by the Municipality due to inefficiencies in performance on behalf of the successful respondent shall be deemed to be the responsibility of that respondent as such, any and all costs as deemed appropriate and reasonable compensation for the Municipality will assessed to the successful respondent.

2.4 Assignment of Contract

The successful respondent shall NOT assign, transfer, convey, sublet or otherwise dispose of this contract or his/her right, title or intent therein, or his/her power to execute such contract, to any other person, company or corporation, without the previous consent, in writing, of the Municipal Officials, which consent shall NOT be unreasonably withheld.

2.5 Limited Liabilities

The Municipality's liability under this proposal shall be limited to the actual goods/services ordered and provided.

2.6 Cancellation

- a) The Municipality may elect to terminate the contract if the original terms and conditions are significantly changed, giving thirty (30) calendar days written notice to the successful respondent.
- b) Either party may terminate the contract by giving the other party ninety (90) calendar days written notice, giving reasons acceptable to the other. A period of less than ninety

(90) calendar days to terminate the contract may be negotiable if mutually agreeable among the parties involved in the contract.

- c) Failure to maintain the required documentation during the term of this contract may result in suspension of the work activities and/or cancellation of the contract.

2.7 Declaration of Pecuniary Interest (Conflict of Interest)

By submitting a bid, the respondent declares that the submission is NOT made in connection with any other submitting vendor, and is in all respects fair and without collusion or fraud, and further that no member of Council or any participating Municipality has an interest, as outlined in the Municipal Conflict of Interest Act.

2.8 Proposal Evaluation and Qualification Criteria

Proposals will be evaluated using the best value approach considering both merit and price. The Municipal Clerk will score the proposals on the basis of the components of the following evaluation table:

Qualifications & Experience	<ul style="list-style-type: none">• Relevant Education and Certifications (0-10 Points)• Previous Experience as An Integrity Commissioner (0-10 Points)• Experience with Municipal Governments (0-10 Points)	30
Approach & Methodology	<ul style="list-style-type: none">• Clarity and Comprehensiveness Of Your Approach (0-10 Points)• Proposed Methods for Investigations And Advice Provision (0-10 Points)• Proposed Public Education and Training Initiatives (0-10 Points)	30
Fee Structure	<ul style="list-style-type: none">• Reasonableness and Transparency Of Fees (0-10 Points)• Cost-Effectiveness (0-10 Points)	20
References	<ul style="list-style-type: none">• Feedback and Recommendations From Current/Previous Clients (0-10 Points)	10
Timelines & Responsiveness	<ul style="list-style-type: none">• Demonstrated Ability to Meet Deadlines (0-5 Points)• Responsiveness to Inquiries And Communications (0-5 Points)	10
Total		100

The proposal that achieves the highest total score will be ranked first. In the event of a tie total score, the proponent with the lowest cost will be ranked first overall.

The Municipality will evaluate each of the RFP's received. The Municipality reserves the right to enter into further discussions in order to obtain information that will allow the Municipality to reach a decision with a respondent, and to waive irregularities and omissions if, in doing so the best interest of the Municipality will be served.

The Municipality reserves the right to interview any, all or none of the respondents that submit a proposal to provide additional insight into the respondent's ability to meet the requirements as requested in the RFP.

The Municipality reserves the right to negotiate the expense of services with the awarded respondent in order to reduce the cost to meet budget requirements.

The Municipality reserves the right to negotiate with the awarded respondent to either expand or reduce the scope of the project to meet all requirements.

Section 3 – Terms of Reference

3.1 Introduction and Purpose

The Municipality is seeking proposals from the respondents who are interested in serving the Municipality as their Integrity Commissioner. The appointment will be for a four (4) year term with a service review within the first twelve (12) months of the contract.

3.2 Scope of Work

The Municipality is seeking an Integrity Commissioner who will be responsible for administering the 'Council Code of Conduct', conducting investigations in an independent and neutral manner, in accordance with the accountability and transparency provisions of the Municipal Act, 2001 and the 'Council Code of Conduct By-laws' approved by the Municipality and the application of Sections 5, 5.1, and 5.2 of the Municipal Conflict of Interest Act for members of Council and Local Boards.

The role of the 'Appointed Integrity Commissioner' will be to:

1. Help ensure that members of Council and Local Boards perform their functions in accordance with the 'Code of Conduct' and other procedures, rules or policies governing their ethical behaviour;
2. Provide advice and rulings on ethical challenges, issues and dilemmas, upon request of the Municipality's Council or a Municipality's member of Council;
3. Provide educational information to members of Council, members of Local Boards, the Municipality and the public about the Municipality's 'Codes of Conduct' for members of Council and members of Local Boards and about the Municipal Conflict of Interest Act;
4. Conduct presentations and training at least once per term of Council;
5. Investigate complaints and alleged breaches of the Council 'Code of Conduct';

6. Assess complaints from the public to determine their validity;
7. Function independently from staff and report to Council;
8. Review the Council 'Code of Conduct' and make recommendations for improvements if required;
9. Respond to requests of Council, individual members of Council and members of the public with respect to the Council 'Code of Conduct', and any procedures, rules and policies of the Municipality governing the ethical behaviour, as well as associated policies and By-laws;
10. Prepare and deliver an annual report to the Municipality's Council containing a summary of activities, if any, during the previous calendar year; and
11. Serve as a proactive educator for Council, Staff and the public with respect to ethical behaviour for Council members within the Municipality;
12. The administrative contact for the Integrity Commissioner shall be the CAO/Administrator/Clerk.

Please refer to the attached Schedule(s) "B" and "C" the Council Code of Conduct and Council and Staff Relations policies. You may email Rhonda Smith, Municipal Clerk clerk@temagami.ca for any other documents you may wish to review.

All reports, presentations and material produced by the respondents for this project become the property of the Municipality. Any public materials and the final report must be delivered in an accessible standard for the purposes of compliance Accessibility for Ontarians with Disabilities Act.

3.3 Experience and Qualifications

Candidates must have an extensive knowledge of Provincial Statutes, particularly those related to Ontario Municipalities, and have the ability to interpret the provisions of applicable statutes and regulations, as well as policies and Municipal By-laws that set out the framework of accountability, transparency and ethics that relate to conduct for members of Municipal Councils. Candidates must also have strong communication skills and experience in conducting investigations and making appropriate recommendations, and familiarity of all applicable legal principles, particularly as they relate to evidence, legal interpretation and natural justice.

The Integrity Commissioner will work independently and it is expected that they shall have no involvement in political campaigning, endorsements or any other related conflict of interest with respect to the Municipality during or since the most recent Municipal Election.

3.4 Fee Structure

The Municipality acknowledges that the volume of work is unpredictable and as such, the successful respondent will supply services on an as required basis.

Schedule "A"
Proposal Form – Page 1 of 5

For the Provision of: The Appointment of an Integrity Commissioner

1. Please state terms of payment: _____

2. I/We, the undersigned authorized signing officer of the respondent, HEREBY DECLARE that no person, firm or corporation other than the one represented by the signature (or signatures) of proper officers as provided below, has any interest in this proposal submission.

I/We, further declare that all statements, schedules and other information provided in this proposal submission are true, complete and accurate in all respects to the best knowledge and belief of the respondent.

I/We further declare that this proposal submission is made without connection, knowledge, comparison of figures or arrangement with any other company, firm or persons making a proposal and is in all respects fair and without collusion of fraud.

I/We declare that, regarding this bid submission, no potential conflict of interest exists as outlined in Section 2.11, except as described below. (If no potential conflict of interest exists, enter N/A)

I/We further declare that the undersigned is empowered by the respondent to negotiate all matters with the Municipality representatives, relative to this proposal submission.

I/We further declare that the agent listed below is hereby authorized by the respondent to submit this proposal submission and is authorized to negotiate on behalf of the proponent.

By signing this submission, I confirm I have read and understand the content and requirements of this proposal document.

Proposal Form – Page 2 of 5

Acknowledgement to Receipt of Addenda

This will acknowledge receipt of the following addenda and that the pricing tendered quoted includes the provision set out in such addenda;

<u>Addendum #</u>	<u>Date Received</u>
# _____	_____
# _____	_____
# _____	_____

☐ Check here if NO Addenda received

Company Name: _____

Address: _____

City/Province: _____

Postal Code: _____ **Telephone:** _____

Email: _____

Website Address: _____

Authorized Signature: _____

Title: _____
Print

Date: _____

Proposal Form – Page 3 of 5

Pricing Proposal

<u>Description</u>	<u>Amount</u>
Retainer Fee	\$
Hourly Rate	\$
Administrative Fees	\$
Materials & Supplies	\$
Mileage	\$
Other:	\$

Respondent: _____ **Date:** _____

Signature: _____

Respondents shall provide information below on their qualifications for this work. References will be requested if the respondent is the successful bidder. Note: Respondents can attach supporting documentation instead of filling out this form.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Schedule "B"

**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI
BY-LAW NO. 13-1138**

Being a by-law to adopt a Code of Conduct for the Council of the Municipality of Temagami.

WHEREAS under Section 8 of the Municipal Act, 2001, S.O., 2001, c.25, as amended, the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues.

AND WHEREAS under Section 9 of the Municipal Act, 2001, S.O., 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other act;

AND WHEREAS under Section 223.2 of the Municipal Act, 2001, S.O. 2001, c.25, as amended a municipality is authorized to establish a code of conduct for members of the council of the municipality;

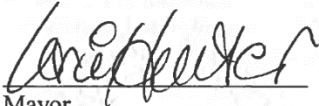
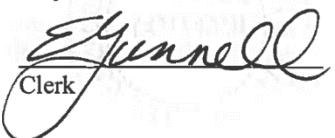
AND WHEREAS the Council of the Corporation of the Municipality of Temagami deems it desirable to adopt a Code of Conduct for Members of Council;

NOW THEREFORE the Council of the Corporation of the Municipality of Temagami enacts as follows:

1. That the Municipality hereby adopts the Code of Conduct for Members of Council attached hereto as Schedule "A" and forming part of this by-law.
2. That the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.
3. That this bylaw shall come into force and take effect upon final passing thereof.

Taken as read a first time this 8th day of August 2013.

Read a second and third time and finally passed this 21st day of November 2013.


Mayor

Clerk

**The Corporation of the Municipality of Temagami
Code of Conduct for Members of Council**

1 POLICY STATEMENT

This Code of Conduct is a public declaration of the principles of good conduct and ethics that members of the Council of the Municipality of Temagami have decided its stakeholders could reasonably expect the Members to demonstrate in their performance and responsibilities as elected representatives.

Attaining an elected position within the community is a privilege which carries significant responsibilities and obligations. As leaders in our community, Members of Council are held to high standards of conduct and ethical behaviour. In addition to being well-informed to undertake their policy and decision-making functions effectively, Council members are expected to carry out their duties in a fair, honest, conscientious, diligent, impartial, transparent and professional manner that respects the dignity of individuals and is in accordance with the Human Rights Code and the Charter of Rights and Freedoms (Canada).

2 SCOPE

Members of the Council of the Corporation of the Municipality of Temagami (hereinafter referred to as Members) shall be governed by this code of conduct for the duration of their service as Members. Upon adoption of this Code of Conduct and thereafter at the beginning of each term, Members will be expected to sign two (2) copies of the Code of Conduct (one for the member and one to be retained by the Clerk) to convey to each other and all stakeholders that they have read, understood and accept it. A copy of the Code of Conduct will be included as part of the orientation for all Members. Members are expected to formally and informally review their adherence to the provisions of this Code on a regular basis or when so requested by Council.

3 PURPOSE

The Code of Conduct for Members of Council and related Policies identify the Municipality's expectations of Members and establishes guidelines for appropriate conduct to ensure that:

- The decision-making process of the Council is transparent, accessible and equitable.
- Independent, impartial decision-making considers the best interests of the entire Municipality as envisioned in the Oath of Office;
- Communications are open, honest, consistent, respectful, consultative and inclusive;
- Private interests, real or perceived, are kept separate from public responsibilities;
- Respect and support for others, including other Council members, members of municipal staff and members of the public, is maintained.

4 COUNCIL ROLES AND RESPONSIBILITIES

Members shall understand the role, responsibility and authority of a member of Council as outlined in the Municipal Act and as may be determined by municipal policy including, but not limited to the following:

4.1 Oath of Office

Members shall uphold the solemn promise and declaration made when appointed to office to:

- a) truly, faithfully and impartially exercise this office to the best of their knowledge and ability;

- b) not receive any payment or reward, or promise thereof, for the exercise of this office in a biased, corrupt or in any other improper manner;
- c) disclose any pecuniary interest, direct or indirect, in accordance with the *Municipal Conflict of Interest Act*; and to
- d) be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second.

4.2 Adherence to Legislation

Members shall be familiar with and follow the provisions of Provincial Legislation and Regulations pertinent to their duties, including, but not limited to the Municipal Act and the Municipal Conflict of Interest Act. Members shall be familiar with and follow the Procedural By-Law and all other applicable municipal by-laws and policies.

4.3 Representation

No Member other than the Mayor shall purport to speak on behalf of Council unless he or she is authorized by the Council to do so.

A Member may express disagreement with a decision of the Council, but shall make it clear that he or she is expressing a personal opinion and/or the opinion of one or more of his or her constituents.

4.4 Conduct at Meetings

Members shall attend and actively participate in all meetings to the best of their ability. When circumstances necessitate absence from a scheduled meeting, the Member shall notify the Clerk in advance of the intended absence. During Council meetings and Advisory Committee meetings, Members shall conduct themselves with decorum and in accordance with the municipality's Procedural By-law. Respect and courtesy will be provided to delegations, fellow members, staff and members of the general public.

4.5 Conflict of Interest – Pecuniary Interest

Members shall be responsible to ensure that they are familiar with the application of the Municipal Conflict of Interest Act, R.S.O. 1990, as amended. Members shall keep their obligations to follow and respect the provisions of the Act. It shall be the responsibility of each Member, not staff, to determine whether they have a conflict or pecuniary interest with respect to matters arising before Council.

4.6 Confidential Information

Members of Council have a duty to hold in strict confidence all information concerning matters dealt with at closed meetings, as authorized by the Municipal Act, or that is determined to be confidential by the Chief Administrative Officer or Clerk, or as specifically declared by Council. Members shall uphold the Confidentiality Agreement entered into with the Municipality of Temagami at the time of their taking office. A copy of said agreement is included as Appendix A of this Code of Conduct.

4.7 Relations with Staff

Members shall acknowledge and respect the fact that staff work for the Municipality as a corporate body and are responsible for making recommendations that reflect their professional expertise and corporate objectives, without due influence from any individual Member. In addition, Members shall acknowledge and respect the fact that staff carry out directions of Council **as a whole**, through the Chief Administrative Officer (CAO) and administer the policies of the Municipality. A Member shall refrain from using their position to improperly influence members of staff in their duties or functions or to gain an advantage for themselves or others. If a Member disagrees with or disapproves of information or advice provided by staff or actions taken by staff acting in good faith, the Member shall ensure that any

comments made to this effect in public shall be made in a fair and respectful manner, in such a way as to express disapproval with the outcome, without criticizing staff.

4.8 Use of Municipal Property

Members may only use municipal property or services for activities connected with the discharge of official duties or associated community activities having the sanction of Council or permitted by Municipal Policies.

4.9 Gifts, Hospitality and Benefits

Members may only accept gifts, hospitality or entertainment of a nominal value that could not be reasonably construed as being given in anticipation or recognition of special consideration by the Corporation. Any gifts, benefits, or hospitality that exceeds these guidelines shall be returned with an explanation of this Code of Conduct. Members may accept hospitality or entertainment if the offer is infrequent and appropriate to the occasion.

Nothing in this section prevents the reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations or agencies; or the receipt of personal gifts, benefits, rewards, commissions or compensation from any person or organization not connected directly or indirectly with the performance or duties of office (i.e., full-time employment with another organization).

4.10 Professional Development

Members are encouraged to undergo any training that may be provided for them through the Ministry of Municipal Affairs and Housing, or other in-house training arranged by the Municipality. Members are also encouraged to take advantage of other municipal training related to their office, as deemed appropriate and approved by Council.

5 ENFORCEMENT

5.1 Complaints

A Member of Council, municipal staff or member of the public who has reasonable and probable grounds to believe that a Member of Council has contravened the Code of Conduct for Members of Council, may request that the matter, or complaint be reviewed.

5.2 Must be in Writing

The complaint shall be made in writing to the Chief Administrative Officer (CAO); shall set out the grounds for the belief and the contravention alleged; shall include a supporting affidavit that sets out the evidence in support of the complaint (see Appendix B); shall include the names and contact information of any witnesses, shall include contact information respecting the complainant(s) during normal business hours; and shall be signed by the complainant(s). In every instance the CAO shall provide a copy of the complaint to the member about whom it was made.

The Municipality shall not consider any complaints that are frivolous, mean-spirited, or vexatious (see also section 5.5).

5.3 Allegations of a Minor Nature

For reasonable allegations of infractions of a minor nature, the Chief Administrative Officer shall advise the Mayor and together they shall investigate the matter, including receiving comments from the member about whom the complaint was made. If recommendations regarding the Members' conduct are determined to be warranted, the Mayor shall make said recommendations to the Member, in accordance with the role of Head of Council as prescribed in the Municipal Act. After recommendations are given to the Member, or if no action is warranted, the Mayor and/or CAO shall also advise Council and the complainant(s) of the outcome.

If the complaint is in regard to the Mayor, or if the Mayor is unavailable to act on the complaint within a reasonable amount of time, the Deputy-Mayor shall act in place of the Mayor.

5.4 Allegations of a Serious Nature

For reasonable allegations of infractions of a serious nature, the CAO shall bring the matter to the Mayor and Council. Council shall give the Member the opportunity to respond to the allegation. Then Council shall decide whether or not to exercise its authority under Section 223 of the Municipal Act 2001, as amended (the Act) to appoint an Integrity Commissioner who would be responsible for performing an independent investigation and reporting back to Council. Consideration of whether or not to appoint an Integrity Commissioner to investigate the allegations shall be done in an open council meeting when the matters discussed deal only with the conduct of the member in the course of his or her professional duties as a member of Council and do not fall within the exceptions to the open meeting requirements. In completing his or her investigation and reporting to Council, the Integrity Commissioner shall have the powers and duties, including the duty of confidentiality, as set out in the Act.

5.5 Integrity Commissioner

If an Integrity Commissioner finds that a complaint has been filed that is malicious, frivolous, vexatious, or has no basis in fact, the complainant shall be required to reimburse the Municipality for the Integrity Commissioner's fees and costs associated with the complaint.

Prior to an Integrity Commissioner commencing any investigation, the Complainant(s) will be required to complete the affidavit found in Appendix B to this policy.

5.6 Exception – After Nomination Day in an Election Year

No complaint regarding a Member who is a candidate in an election may be forwarded by the CAO to Council for determination whether or not to commence an investigation by an Integrity Commissioner between Nomination Day and the date of the inaugural meeting of Council in any year in which a regular municipal election will be held. The CAO shall forward any complaint received after Nomination Day to the Council to address at the first regular meeting following the inauguration of the new Council, and shall advise the complainant of this process.

5.7 Penalties

As prescribed in legislation, penalties that may be imposed by the Municipality where the Integrity Commissioner reports that a Member of Council has contravened the Code of Conduct include:

- 1) A reprimand; OR
- 2) Suspension of remuneration for a period of up to 90 days.

Appendix A

**THE CORPORATION OF THE
MUNICIPALITY OF TEMAGAMI**

P.O. BOX 220
TEMAGAMI, ONTARIO P0H 2H0
(705) 569-3421
FAX: (705) 569-2834
E-MAIL: visit@temagami.ca
WEBSITE: www.temagami.ca



Confidentiality Agreement

I _____ (print name) acknowledge that during the course of my service on the Council of the Corporation of the Municipality of Temagami I may be privy to confidential information. This includes details of matters that are dealt with in any meeting or portion of a meeting that is closed to the public in accordance with section 239 of the Municipal Act, 2001 as amended and any information that is to be kept confidential for reasons of privacy covered under the Municipal Freedom of Information and Protection to Privacy Act.

I hereby agree that I will not disclose any confidential information, or use it for purposes other than those required in carrying out the assigned duties of my position. I also agree that the confidentiality of this information is to be maintained both during and after my term on the Council of the Corporation of the Municipality of Temagami.

Signed and witnessed this ____ day of _____, 20__.

Signature of Member of Council _____

Appendix "B"
FORM OF AFFIDAVIT

AFFIDAVIT OF

1. I, _____ of the _____
[Name of Individual] [Name of Municipality]

affirm the following:

2. I have personal knowledge of the facts as set out in this affidavit, because _____

[Outline basis of information - eg. was at event with the member of Council, etc.]

3. I have reason to believe that a member of council, _____
[Name of Member of Council]
has contravened section(s) _____
[indicate section number(s)]
of the Code of Conduct for members of Council (Adopted by By-law 13-1138).

4. The key facts that have led me to this belief are as follows:

[Set out the facts briefly-numbered statements are helpful-attach a separate sheet if more space needed]

5. This affidavit is made for the purpose of requesting that this matter be reviewed.

6. I acknowledge that I have read the following section of the Council Code of Conduct.

5.5 Integrity Commissioner

If an Integrity Commissioner finds that a complaint has been filed that is malicious, frivolous, vexatious, or has no basis in fact, the complainant shall be required to reimburse the Municipality for the Integrity Commissioner's fees and costs associated with the complaint.

Prior to an Integrity Commissioner commencing any investigation, the Complainant(s) will be required to complete the affidavit found in Appendix B to this policy.

SWORN [or AFFIRMED] before me at the

_____ of _____
[Name of Municipality]

in the Province of Ontario this ____ Day of _____, 20__

COMMISSIONER OF OATHS

COMPLAINANT

[Signature of Commissioner]
[Stamp]

[Signature of Complainant]

Schedule “C”

Note: The Corporation of the Municipality of Temagami “Council -Staff Relations” policy is out of date and has a revised draft to be approved by Council in January 2024.