



CODE OF CONDUCT FOR MEMBERS OF COUNCIL, CITY OF CAMBRIDGE

SECTION 1: POLICY STATEMENT

- 1.1 A written Code of Conduct for Council helps to ensure that the members of Council share a common basis for acceptable conduct.
- 1.2 This Code is designed as a reference guide and a supplement to the legislative parameters within which all members must operate. These standards should serve to enhance public confidence in the elected officials from the City of Cambridge will operate.

SECTION 2: DEFINITIONS

- 2.1 For the purposes of this Code:

“Act” means the *Municipal Act, 2001 S.O. 2001 c.25*

“City” means The Corporation of the City of Cambridge.

“Code” means this Code of Conduct as it applies to members of Council.

“Community groups and organizations” means any group, club, society, or organization and any non-profit or charitable group or organization operated for social welfare, civic improvement, pleasure, recreation or any other purpose except profit.

“Complaint” means an alleged contravention of this Code.

“Confidential Information” means information in the possession of 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)* or other legislation.

“Council” means The Corporation of the City of Cambridge.

“Family member” means as defined in the Municipal Conflict of Interest Act.

“Gift and benefits” means any cash or monetary equivalent, fee, object of value, service, travel, accommodation or entertainment.

“Integrity Commissioner” means the Integrity Commissioner appointed by Council pursuant to section 223.3 of the Municipal Act, 2001.

“Meeting” means any legally-constituted meeting of Council or a Committee.

“Member” means a member of Council and Standing Committee of Council.

“Office” means the authority and duties attached to the Member’s position.

“Official duties” means the public duties of a Member and includes functions performed by Members necessary to demonstrate responsible and accountable government with respect to matters within the City or Local Board’s jurisdiction, and which are done for the purpose of providing good government with respect to those matters.

“Pecuniary interest” means an interest as set out in the Municipal Conflict of Interest Act.

“Property” means but is not limited to, all real and personal property, facilities, vehicles, equipment, supplies, services, staff, documents, intellectual property, computer programs or technological innovations belonging to the City.

SECTION 3: APPLICATION OF CODE

3.1 Application

This Code of Conduct applies to all Members.

3.2 Accountable and Good Government

The Act, Part VI, Practices and Procedures, establishes the organization, roles and responsibilities for the Members of Council and administration, including the requirement to pass a Procedural By-Law.

The City’s Procedural By-Law provides rules governing the order and proceedings of the Council and Committees of Council. The Municipal Act and the Procedural By-law ensures that Council is the source of authority for municipal government and its decisions are made and implemented through the appropriate channels of government structure.

Decision-making authority lies with Council as a whole, and not with an individual Member, to approve:

- Budget; Policies; Committee processes; Commit resources; and other municipal matters.

Members shall endeavor to conduct the decision-making process and convey Council business in a transparent, accountable and equitable manner, recognizing that the public has a right to open government, participatory decision-making and reasonable access to information on how decisions are made.

Members of Council must continue to perform their respective duties of office with integrity to avoid conflicts of interest, both apparent and real.

3.3 Role of the Head of Council

In accordance with the Act, this Code of Conduct recognizes the fact that the Mayor, as Head of Council, has additional responsibilities as defined in section 225 of the Act. As a municipality's Chief Executive Officer, the Head of Council shall:

- (a) uphold and promote the purposes of the municipality;
- (b) promote public involvement in the municipality's activities;
- (c) act as the representative of the municipality both within and outside the municipality, promote the municipality locally, nationally and internationally; and
- (d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

3.4 Obligation of Members

All Members in the exercise of their duties are expected to follow this Code, the Council Procedural Bylaw in the case of Council Members and other sources of applicable procedural law including:

- *Municipal Act, 2001; Municipal Conflict of Interest Act; Municipal Elections Act; Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and the Criminal Code of Canada*

SECTION 4: CONDUCT OF MEMBERS

- 4.1 A Member shall at all times conduct themselves with decorum, courtesy, respect, propriety, decency and respect and with the understanding that all members of the public, other Members and staff are to be treated with dignity, courtesy and empathy, recognizing that a member is a representative of the City and of their elected office.
- 4.2 Such conduct shall also adhere to the provisions of applicable law including the Act and the Procedural By-Law.
- 4.3 A Member recognizes the importance of co-operation and strives to create an atmosphere during Council and Committee meetings that is conducive to solving the issues before Council, listening to various points of view and using respectful language and behavior in relation to all those in attendance.
- 4.4 Members shall make every effort to participate in the activities of the agencies, Boards, commissions and Committees to which they are appointed in the same manner as Council activities.

SECTION 5: MEMBER RESPONSIBILITIES

5.1 Interaction with City staff

The role of City officers and employees is to implement the decisions of Council and to establish administrative procedures to carry out City operations as provided for in the Act.

Under the direction of the City Manager, staff serves Council as a whole, and the combined interests of all Members as evidenced through Council decisions

The City Manager has overall responsibility for the administration of City affairs in accordance with the decisions adopted by Council. To fulfill this role, the City Manager establishes:

- appropriate administrative policies; systems and structures; processes; and internal controls to implement Council's goals and objectives.

5.2 No member shall:

- a) maliciously, falsely, negligently or recklessly injure the professional, personal or ethical reputation or the prospects or practice of City employees and members shall show respect for the professional capacities of City employees.

- b) ask, request or compel City employees to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.
- c) use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any City employee with the intent of interfering with that employee's duties, including the duty to disclose improper activity.

5.3 Accountability and Transparency in Decision Making

Members shall conduct Council business and their duties in an open and transparent manner so that the public and staff can understand the process and rationale which has been used to reach decisions.

Such conduct requires compliance with the Act, MFIPPA, the Procedural By-Law and other applicable legislation regarding open meetings, accountability and transparency.

5.4 Communications with the Public & Media Relations

When a member communicates with the public and/or media, they will accurately communicate the decisions of Council, even if the member did not support the decision. Individual members have the right to express their opinions; however, any discussion must be done in a manner that shows respect for and integrity in the decision making process of Council.

5.5 Confidential Information

Members may receive and shall keep confidential information as part of its decision-making duties. Members have an obligation to keep such information confidential in order to safeguard the corporate interests, corporate image and to uphold disclosure rules to prevent personal gain or advantage to others.

Members respect confidentiality requirements for information received in a closed session of Council under section 239 of the Act.

In accordance with the Procedural By-law, Members shall not publicly disclose the content of any confidential matter or the substance of deliberations or *in-camera* meetings until the information is open or released to the public as required by law, or approved by Council.

SECTION 6: USE OF RESOURCES AND CITY EXPENDITURES

6.1 Use of Corporate Resources

No Member shall use City property, including land, facilities, equipment, supplies, services, staff or other corporate resources for activities other than the business of the Corporation.

Members shall respect that the powers of the municipality are exercised by Council. Council, as a whole, is responsible for policy making that directs staff in the delivery of services. For tasks or actions that require the commitment of significant staff time and/or City resources, Members must obtain approval through recommendation by decision of Council. By doing so, Council confirms that the corporate interests and business are being advanced in compliance with all applicable rules and policies respecting the use of corporate resources.

6.2 Use of Office Expenditure

Members are entrusted to make decisions based on an impartial and objective assessment of each situation, free from the real or perceived influence of gifts, hospitality or benefits. Regardless of monetary value, the gift, hospitality or benefit could be seen as an instrument of influence, favoritism and bias on the part of the Member.

Council approves an office expenditure for each member through the budget process on an annual basis.

Members agree to respect and uphold the Council Expense Policy that guides their use of their respective office expenditures, budgets and resources.

6.3 Gifts, Hospitality and Benefits

From time to time, gifts, hospitality and benefits are offered and accepted by Members in the course of their duties and attendance at public functions. The acceptance of gifts, hospitality and benefits of a nominal value (up to \$300.00) is considered part of the Member's role and responsibilities and are to be received by the Member only in good faith, as an incident of protocol or social obligation.

In accepting a gift or benefit, Members shall be aware of those that would be of pecuniary interest and subject to the *Municipal Conflict of Interest Act*.

Members are entrusted to make decisions based on an impartial and objective assessment of each situation, free from the real or perceived influence of gifts, hospitality or benefits. Regardless of monetary value, the gift, hospitality or benefit could be seen as an instrument of influence, favoritism and bias on the part of the Member.

To promote transparency and accountability to the public, Members will continue to set a high standard of conduct and be prepared to openly disclose all gifts and benefits that have been received in carrying out their official duties. No Member shall accept a fee advance, gift or benefit that is connected directly or indirectly with the performance of their duties in office.

SECTION 7: PARTICIPATION IN COMMUNITY GROUPS AND ORGANIZATIONS

As community leaders, Members are called upon to assist and support various charities, service clubs, and other non-profit and community-based associations.

7.1 Members are entitled to:

- a) organize, establish, fundraise, participate in and support community groups and organizations and their associated events;
- b) hold positions, including positions on governing boards, within community groups and organizations and be subject to the published rules of each applicable organization;
- c) use their discretionary expense budget to support community groups and organizations and their events, subject to the terms of the Councillor Expense Policy.

7.2 Members shall:

- a) respect the need for transparency with respect to involvement in community groups, organizations and events and perform their community service in a manner that promotes public confidence;
- b) seek Council approval for the use of their position and title in the support of any event where non-corporate fundraising activities occur;
- c) seek Council approval for the use of corporate resources in excess of the Council Expense Policy to support any non-corporate event organized by the Member where fundraising activities occur;

- d) seek Council approval for the commitment of city resources to any event which is not organized by the City.

SECTION 8: ABUSE OF ROLE

8.1 Improper Use of Influence

No Member shall use the influence of their office for any purpose other than for the exercise of their official duties.

As an elected official, Councillors are expected to perform their duties of office with integrity, accountability and transparency. A Members shall 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, associates, business or otherwise.

In the same manner, and as outlined in the *Provincial Offences Act – Conflict of Interest Policy*, Members 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*.

For the purposes of this section "private advantage" does not include a matter that:

- a) is of general application;
- b) affects a Member, their Family members, City employees friends, or associates, business or otherwise, as one of a broad class of persons;
- c) or that concerns the remuneration or benefits of a Member.

8.2 Business Relations

No Member shall act as a paid agent or lobbyist before Council, its Committees, or an agency, board or commission of the City.

No Member shall refer a third party to a person, partnership, or corporation in exchange for financial or other gain.

8.3 Employment of Family Members

No Member shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate a Family member.

If a Family member of a Member is an applicant for employment or applicant for a Committee with the City or candidate for promotion or transfer, the Family member will proceed through the usual application/selection process with no special consideration.

No Member shall act as a supervisor of their Family member or be placed in a position where they could have influence over their Family member's employment.

No Member shall attempt to use a family relationship for financial or other gain.

SECTION 9: HARASSMENT

- 9.1 Harassment includes, but is not limited to, any behavior, conduct, form of imagery or comment by any person that is directed at or is offensive to another person on the protected grounds of discrimination: age, ancestry, colour, race, citizenship, ethnic origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, receipt of public assistance (in housing only), record of offences (in employment only), sex (including pregnancy and breastfeeding), sexual orientation and sexual harassment and any other grounds under the provisions of the *Ontario Human Rights Code* and the City's Respect in the Workplace Policy.

In accordance with the *Ontario Human Rights Code*, the *Occupational Health and Safety Act* and the City's Respect in the Workplace Policy, all persons will be treated with dignity and respect in an environment free of discrimination and harassment.

Harassment, whether it occurs inside or outside the workplace, but is related to the activities of elected office, is considered to be inappropriate behavior for the purpose of this Code of Conduct.

- 9.2 Members will abide by the Corporate Values and Behaviours as guiding principles and are attached as Appendix A.

SECTION 10: ROLE OF THE INTEGRITY COMMISSIONER

10.1 Integrity Commissioner appointed under Section 223.3 of the Act is an independent officer who reports directly to Council and is responsible for carrying out his or her functions in accordance with the Act and any other functions assigned by Council, in an independent manner.

10.2 The Commissioner carries out the following core functions.

a) Advisory Role

The Integrity Commissioner provides confidential written and oral advice to the Mayor, City Councillors and Members of Committees and Local Boards appointees about their own situations respecting the applicable Code of Conduct and other by-laws and policies governing ethical behavior.

The Integrity Commissioner also provides opinions and reports to City Council, each as a collective whole, on issues of ethics and integrity.

b) Investigative Role

Complaints about breaches of the Codes of Conduct are made to the Integrity Commissioner. Complaints can be dealt with through a formal or informal process, as defined by the complaint resolution process in Appendix B. When carrying out a formal complaint investigation, the Commissioner can summon evidence and examine under oath.

c) Educational Role

The Integrity Commissioner is responsible for providing educational programs to members of Council and their staff. This is carried out in group settings, one-on-one meetings, annual reporting and through the webpage of the Office of the Integrity Commissioner.

10.3 The responsibility for the interpretation of this policy lies with the Integrity Commissioner. In the case that there is a vacancy or absence of the Integrity Commissioner position, all formal complaints shall be held in abeyance until such time as an Integrity Commissioner has been appointed or an interim measure enacted to enable the complaint to be addressed within a reasonable amount of time.

10.4 Notwithstanding the services above, the Integrity Commissioner shall not provide advice or opinions to any Member with respect to the Municipal Conflict of Interest Act.

SECTION 11: COMPLIANCE AND INTERPRETATION

11.1 Compliance

Members are accountable to the public throughout the duration of their term. To provide the public with open, transparent and accountable government, members will respect all legislation, applicable policy and the spirit and intent of this Code of Conduct.

11.2 Interpretation

Members of Council seeking clarification of any part of this Code of Conduct should consult directly with the Integrity Commissioner.

11.3 Nothing contained in this Code shall be interpreted so as to impede vigorous but respectful debate during meetings of Council and its Committees.

11.4 Reimbursement of Costs

The reimbursement of fees for a Member and/or the Complainant may be returned based on the findings of the Integrity Commissioner; this process is outlined in Appendix C.

SECTION 12: REVIEW AND ATTESTATION

12.1 Review

Upon adoption of this Code of Conduct and thereafter at the beginning of each term, Members will be expected to sign the Code of Conduct to convey to each other and all stakeholders that they have read, understood and accept it.

To ensure that this Code remains relevant and current, staff will review any significant legislative or internal policy changes for possible impact to the Code and report where necessary.

12.2 Confirmation

At the beginning of each Term of Council, this Code will be reviewed with the new term of Council in connection with the development of corporate strategies.

Signature

Date

Appendix A
Corporate Core Values and Behaviours

Staff interactions are guided by the Corporate Core Values and Behaviours established in 2014. The City of Cambridge is committed to:

RESPECT

We will...

Have mutual and fair understanding of the wants, needs and expectations of others

Practice open, honest and sincere communication

INTEGRITY

We will...

Conduct ourselves in a professional manner with emphasis on effective communication, accountability for actions, and a strong moral compass

Be committed to maintaining a safe, trusting, and supportive environment

Demonstrate professionalism, good judgement, and personal leadership

SERVICE

We will...

Strive to provide timely, respectful and knowledgeable responses focusing on communication information in a friendly and accessible manner to all

Seek feedback and use it to enhance and continually improve our services

Demonstrate genuine enthusiasm and take pride in our work to achieve common goals

Demonstrate hard work and dedication in an effort to enhance community pride

INCLUSIVENESS

We will...

Commit, to welcome, learn and understand

Foster an environment of respect and a sense of belonging for all

Appendix B
Complaint Resolution Process
of the Integrity Commissioner

A complaint that a Member has contravened the Code may be initiated by any person, employee of the City, any other Member or by Council as follows:

- (a) a complaint shall be made in the form attached form and is to be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier (if required, pre-addressed and postage paid envelopes are available from the Clerks Division of the Corporate Services Department;
- (b) a complaint shall be made in writing and must be signed and dated by the complainant who shall be an identifiable individual (complaints may not be submitted by any group, organization or corporation);
- (c) a complaint shall include:
 - (i) an explanation, with specific reference to sections of the Code, as to why the issue raised is alleged to be a contravention of the Code.
 - (ii) any evidence in support of the allegations in a sworn affidavit; and
 - (iii) any witnesses in support of the allegation must be identified.

Informal Complaint Procedure

Any Member, employee of the City or a member of the public who has reasonable grounds to believe that a behaviour or activity of a Member has contravened the Code may wish to address the behavior or activity with the Member personally. The informal complaint procedure is set out below.

- (a) The complainant shall advise the City Clerk that the complainant is willing to attempt to resolve the complaint informally with the Member of Council.
- (b) The City Clerk shall contact the Integrity Commissioner.
- (c) The Office of the Integrity Commissioner shall co-ordinate the meetings between the Member of Council and the complainant. The Office of the Integrity Commissioner shall act a convener of the meetings between the Member and the complainant and shall note the attendance of those participating in the meetings and shall take no other role in the meetings.
- (d) The complainant shall attend at meeting(s) with the Member of Council, alone or with one other person.
- (e) The complainant shall advise the Member of the behaviour or activity which may contravene the Code.
- (f) The complainant shall provide a written record of the incidents including dates, times, locations, other persons present, and any other relevant information and provide this information to the Member.
- (g) The complainant shall discuss with the Member how the behavior or activity may be addressed.

- (h) The Complainant shall confirm to the Member the complainant's satisfaction with the response of the Member, or, alternatively advise the Member of the complainant's dissatisfaction with the response.
- (i) If the complainant is satisfied with the Member's response, the complainant shall provide a statement in writing to the Integrity Commissioner that the complainant does not wish to pursue a formal inquiry and wishes to withdraw their complaint.
- (j) If the complainant is dissatisfied with the Member's response, the complainant shall provide a statement in writing to the Integrity Commissioner that the complainant will pursue other processes to address their complaint. The complainant shall consider the need to pursue the complaint in accordance with the formal complaint procedure or in accordance with another applicable judicial or quasi-judicial process and shall advise the Integrity Commissioner of the complainant's decision.
- (k) The Integrity Commissioner shall communicate to the City Clerk whether the complainant is satisfied or dissatisfied with the informal complainant procedure.

Everyone is encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code. However, it is not a prerequisite that those complaining must pursue the informal complaint procedure before pursuing the formal complaint procedure.

Formal Complaint Procedure

All complaints shall be submitted to the City Clerk and in the form provided and the City Clerk shall forthwith forward them without comment to the Integrity Commissioner.

All complaints must provide:

- (a) the name of Member to whom the complaint relates;
- (b) the nature of the alleged contravention;
- (c) the specific provision(s) of the Code allegedly contravened;
- (d) the names of any witnesses to the alleged contravention
- (e) provide the specified filing fee of \$25;
- (f) a signed and sworn statement that sets out the evidence in support of the complaint; and
- (g) any written material in support of the alleged contravention.

Upon receipt of a complaint involving a Member other than the Head of Council, the City Clerk shall immediately advise the Head of Council and City Manager. Upon receipt of a complaint involving the Head of Council, the City Clerk shall immediately advise the City Manager and the Acting Mayor.

Confidentiality

The Integrity Commissioner shall carry out all enquiries in a manner which will ensure that the individual to whom the complaint relates is treated fairly and all complaints shall be treated as confidential to the extent possible and in accordance with the Act.

All records of investigations shall be kept confidential and access limited to those in the City with a need to know for the purposes of conducting a full investigation.

Initial Review by Integrity Commissioner

Upon receipt of a complaint, the Integrity Commissioner shall conduct an initial review 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 municipal policies.

If the complaint, including any supporting documents, 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 a complaint procedure under another Council policy, the Integrity Commissioner shall advise the complainant in writing.

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 conduct an investigation, or, where that becomes apparent in the course of an investigation, shall terminate the investigation.

Opportunity for Resolution

If at any time, following receipt of a formal complaint or during the investigation process, the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued without a formal investigation, and both the complainant and the member agree, efforts may be made to achieve an informal resolution.

Investigation & Settlement

If a complaint has been classified as being within the Integrity Commissioner's jurisdiction, the Integrity Commissioner shall investigate and may attempt to settle the complaint.

The Integrity Commissioner will proceed as follows:

- (a) Serve the complaint and supporting affidavit and material upon the Member whose conduct is in question with a request that a written response to the allegation by way of affidavit be filed within ten (10) days or such longer period as the Integrity Commissioner may authorize in writing; and
- (b) Serve a copy of the responding affidavit provided by the Member upon the complainant with a request for a written reply by way of affidavit within ten (10) days or such longer period as the Integrity Commissioner may authorize in writing.
- (c) Serve a copy of the reply upon the Member with a request that the Member provide a second written response by way of affidavit with ten (10) days or such longer period as the Integrity Commissioner may authorize in writing

The Integrity Commissioner may speak to anyone relevant to the complaint, access and examine any of the information relevant to the complaint and to enter any municipal work location relevant to the complaint for the purpose of investigation and settlement.

The Integrity Commissioner is to be provided free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality.

The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction or retaliation encountered during the investigation.

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 error of judgment made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.

Final Report

The Integrity Commissioner shall complete an investigation within 90 days.

In circumstances where the Integrity Commissioner requires more than 90 days completing an investigation, the following shall be notified accordingly:

- (a) the complainant;
- (b) the Member to whom the complaint relates; and
- (c) the City Manager and the Acting Mayor in the case of a complaint concerning the Head of Council.

Reporting the Results of an Investigation

The Integrity Commissioner shall provide a copy of the draft report to the complainant and the Member subject to the investigation within 20 days of the due date.

The report shall remain confidential until the matter has received complete and final disposition by the Integrity Commissioner and has been reported out to the Members of Council in an open meeting.

Should the Integrity Commissioner find a contravention, the Integrity Commissioner may recommend the penalties in accordance with the *Municipal Act, 2001*, for imposition by Council.

The Integrity Commissioner may also recommend to Council the following actions:

- (a) Removal of the Member from membership of a Committee
- (b) Removal of the Member as Chair of a Committee
- (c) Repayment or reimbursement by the Member of moneys received
- (d) Return of property by the member or reimbursement of its value
- (e) A request for a written and/or verbal apology by the Member to Council, the complainant or both

Council shall consider and respond to a report from the Integrity Commissioner within 30 days after the day the report is laid before it. Any recommended corrective action shall be designed to ensure that the inappropriate behaviour or activity does not continue and any reprimand will be in accordance with Section 223.4 of the Act.

Reporting to Council

The Integrity Commissioner shall report annually to Council on complaints made that were determined not to be within the jurisdiction of the Integrity Commissioner, but shall not disclose information that could identify a person concerned.

Other than in exceptional circumstances, the Integrity Commissioner shall not report to Council on any complaint described above except as part of an annual or other periodic report. All reports to Council by the Integrity Commissioner on the investigation of complaints are public documents once they have been reported out to the Members of Council.

The Integrity Commissioner shall be responsible for ensuring the above procedures are followed with respect to requests for enquiries and for conducting investigations.

Complaints in Municipal Election Years

Despite any other provision of this process, no complaint received by the City Clerk during the period from Nomination Day to Election Day will be referred to the Integrity Commissioner for investigation until after the election has taken place.

Retroactive complaints

This complaint protocol shall not apply retroactively to any alleged transgressions occurring prior to the date on which the Code of Conduct was formally approved by Council.

Appendix C
Payment of Costs

1. A complainant and a Member who are parties to a Complaint under this Code shall each be reimbursed for actual and reasonable legal and related expenses up to a maximum of:
 - (a) \$5,000; or
 - (b) \$20,000, if the Integrity Commissioner has elected to investigate the Complaint by exercise of the powers of a commission under Parts I and II of the *Public Inquiries Act*.
2. In the case of an application under the *Judicial Review Procedure Act* for judicial review of actions taken on a Complaint against a Member of Council by the Integrity Commissioner:
 - (a) Council may where a Member made the judicial review application, the Member is eligible for reimbursement of legal costs, including additional legal costs in a successful application, that are not covered by the costs awarded by the court, up to a maximum of \$20,000.
 - (b) A Member may apply for reimbursement of the legal costs of intervention in a judicial review application where the Member's interests are at stake, up to a maximum of \$20,000.
3. Council may consider the reimbursement of costs above the limit in sections 1 and 2 on a case by case basis.
4. Costs may be provided in advance in an investigation, if the Integrity Commissioner is of the opinion that the use of a lawyer by one or more of the parties would facilitate the carrying out of the investigation, and sections 5 and 6 do not apply to the advance costs paid under this section.
5. Costs shall only be reimbursed under this section to the complainant, if the Integrity Commissioner concludes that the Complaint is not frivolous, vexatious or made in bad faith and the Integrity Commissioner's conclusion is not overturned on judicial review.
6. Costs shall only be reimbursed under this appendix to the Member:
 - (a) If the Integrity Commissioner determines that:
 - i) there has not been a contravention of the Code of Conduct; or
 - ii) a contravention occurred but the Member took all reasonable measures to prevent it; or

- iii) a contravention occurred that was trivial or committed through inadvertence or error of judgment made in good faith;
And the Integrity Commissioner states such in the report and recommends that no penalty be imposed;

And the Integrity Commissioner's conclusion is not overturned on judicial review; or

- (b) where Council receives the Integrity Commissioner's report on a violation and determines that it should not take any action.

- 7. Any award of costs under section 6 shall be contingent on a report from the Integrity Commissioner.