

Code of Conduct for Members of Council

Contents

1.	Policy Statement.....	3
2.	Guiding Principles.....	3
3.	Statutory Provisions Regulating Conduct.....	3
4.	Roles and Responsibilities.....	4
5.	Definitions.....	4
6.	Application.....	5
7.	Use of Regional Property, Services and Other Resources.....	5
8.	Expenses.....	6
9.	Elections.....	6
10.	Gifts and Benefits.....	6
11.	Tickets.....	7
12.	Disclosure and Reporting of Gifts and Benefits.....	8
13.	Improper Use of Influence.....	8
14.	Conflict of Interest.....	9
15.	Business Relations.....	9
16.	Employment of Family Members.....	10
17.	Confidential Information.....	10
18.	Conduct at Meetings.....	10
19.	Representing the Region.....	11
20.	Conduct Regarding Staff.....	11
21.	Harassment/Bullying.....	11
22.	Reprisals and Obstruction.....	11
23.	Procedure for Obtaining Advice.....	12
24.	Complaints.....	12
25.	Review Process.....	13
	Complaint Protocol.....	14
1.	Role of the Integrity Commissioner.....	14
2.	Informal Complaint Procedure.....	14

3.	Formal Complaint Procedure	15
4.	Confidentiality	15
5.	Initial Review by Integrity Commissioner	15
6.	Investigation & Settlement	16
7.	Final Report	17
8.	Reporting the Results of an Investigation	18
9.	Report to Council	18
10.	Limitation Period	19
11.	Complaints in Municipal Election Years	19
12.	Retroactive complaints.....	20
	Appendix A - Accountability and Transparency Policy	21
	Appendix B - Communications and Community Events Expenditure Allowances Policy	25
	Appendix C - Council Conference Policy.....	32
	Appendix D - Reimbursement for Municipal Conflict of Interest Act Legal Opinion Expenses Policy	35
	Appendix E - Council Requests for Information, Reports and Enquiries Policy.....	37
	Appendix F - Guidelines for Use of Corporate Resources for Election Purposes.....	40
	Appendix G – Council-Staff Relations Policy.....	42

1. Policy Statement

A written Code of Conduct for Members of Council (Code) helps to ensure that Members of Council share a common basis for acceptable conduct. This Code reinforces the Region of Waterloo's Accountability and Transparency Policy and serves to provide a reference guide and a supplement to the legislative parameters within which Members must operate. These standards are designed to enhance public confidence that the Region's elected representatives operate from a base of accountability, transparency, integrity, fairness and respect.

This Code is a general standard. It augments the laws, which govern the behaviour of Members, and is not intended to replace personal ethics.

2. Guiding Principles

- 2.1 The Region of Waterloo is a responsible and accountable government and Members will ensure that decisions are made in an accessible, transparent and democratic manner for the purpose of providing good government.
- 2.2 Members are committed to honour, support and employ the Regional values as outlined in the Region's Strategic Plan.
- 2.3 Members will be advocates for the public process and will promote public consultation and involvement in the decision-making process.
- 2.4 Members shall serve and be seen to serve in a conscientious and diligent manner.
- 2.5 Members shall perform their functions with integrity and in accordance with the Oath of Office.
- 2.6 Members shall be fair and respectful of differences and have a duty to work together for goodwill, the common good and the public interest.
- 2.7 Members shall perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.
- 2.8 Members are responsible for making honest statements and no Member shall make a statement when they know that statement is false, or with the intent to mislead other Members or the public.

3. Statutory Provisions Regulating Conduct

- 3.1 Members are responsible to be aware of, and to understand, the legal obligations affecting them as individual office holders. Members are required to comply with existing provincial and federal legislation, including but not limited to:
 - a) Municipal Act, 2001;
 - b) Municipal Conflict of Interest Act;

- c) Municipal Elections Act, 1996;
- d) Municipal Freedom of Information and Protection of Privacy Act;
- e) Provincial Offences Act;
- f) Planning Act;
- g) Ontario Human Rights Code;
- h) Ontario Occupational Health and Safety Act;
- i) Criminal Code of Canada; and
- j) By-laws and policies of Regional Council as adopted and amended from time to time.

3.2 In addition, the Region is often affected by provincial and federal legislation and agreements in the delivery of public services. Members should understand their legal obligations within the legal effect of those legislative frameworks and/or partnership agreements. Where greater clarity is required in this regard, Members should direct inquiries to the Regional Clerk and/or the Regional Solicitor.

4. Roles and Responsibilities

4.1 Members will be responsible for ensuring that the roles of a municipal council, the head of council, and the head of council as chief executive officer as prescribed by Part VI Practices Procedures of the Municipal Act 2001 are adhered to.

5. Definitions

- “Area Municipalities” means the Cities of Cambridge, Kitchener, and Waterloo and the Townships of North Dumfries, Wellesley, Wilmot, and Woolwich;
- “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;
- “Code” means this Code of Conduct;
- “Confidential Information” means information in the custody or control of the Region or information not available to the public and which, if disclosed could result in damage or loss to the Region, or could give the person to whom it is disclosed an improper advantage;
- “Council” means the Council of the Regional Municipality of Waterloo;
- “Family Member” means a child, parent or a spouse;
- “Lobbyist” means a person who communicates for payment with public office holders, a person who lobbies on a volunteer basis for a business or a not-for-profit professional, business, industry, trade or labour organization, or a

consultant or voluntary lobbyist who arranged meetings between a member and any other person for the purpose of lobbying

- “Member” means a Member of Council and includes the Regional Chair;
- “Nomination Day” has the same meaning as the Municipal Elections Act;
- “Parent” means a parent who has demonstrated a settled intention to treat a child as a member of her or his family whether or not that person is the natural parent of the child;
- “Spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside of marriage;
- “Region” means the Regional Municipality of Waterloo; and
- “Voting Day” has the same meaning as the Municipal Elections Act

6. Application

6.1 This Code applies to the Regional Chair and Members of Council as they perform their duties in as elected officials of the Region of Waterloo.

6.2 Some Regional Councillors also serve as Mayors for the Area Municipalities. This Code applies to the activities of these Members while executing their responsibilities as Regional Councillors. Their Area Municipality’s code of conduct will apply to the activities of these Members in accordance with their role as Mayors. Should an issue arise that affects both the Region’s and an Area Municipality’s Code of Conduct, both parties will work together to develop a process to resolve the matter.

6.3 Members of Council and members of the public should not assume that any unethical activities not covered by, or not specifically prohibited by this Code, or by any legislation, are therefore condoned.

7. Use of Regional Property, Services and Other Resources

7.1 No Member shall, for personal purposes or profit, permit the use of any Regional property, equipment, services, or supplies other than for purposes connected with the discharge of Regional duties or associated community activities of which Regional Council has been advised, unless such use is permitted by one of the following exceptions:

- a) Reasonable and incidental personal use of equipment such as computers, printers, smart phones, tablets, etc., where the Region incurs no additional costs relating to such use, and the use is of limited duration and frequency.
- b) Use of Regional property and facilities where such use is universally known to be available to other residents upon request and on equal terms.

- 7.2 No Member shall obtain financial gain from the use of Region developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter.
- 7.3 No Member shall use information gained in the execution of her or his duties that is not available to the general public for any purposes other than his or her official duties.

8. Expenses

- 8.1 Members shall comply with the provisions of the Communications and Community Events Expenditure Allowances Policy and the Council Conference Policy as amended from time to time.

9. Elections

- 9.1 Members are required to comply with the Municipal Elections Act, 1996.
- 9.2 Members shall comply with the provisions of the Guidelines for Use of Corporate Resources for Election Purposes as amended from time to time.

10. Gifts and Benefits

- 10.1 No Member of Council shall accept a fee, advance, gift or benefit that is connected directly or indirectly with the performance of their duties in office unless permitted by the exceptions listed in subsection 10.3.
- 10.2 For the purposes of subsection 10.1, a fee or advance paid to or a gift or benefit given with the Member's knowledge to their family member that is connected directly or indirectly to the performance of their duties in office is deemed to be a gift or benefit to that Member.
- 10.3 The following are exceptions to subsection 10.1:
- a) Compensation authorized by law;
 - b) Such gifts or benefits that normally accompany the duties of office and are received as an incident of protocol or social obligation;
 - c) A political contribution otherwise reported by law;
 - d) Admission to a widely attended event, such as a convention, conference, symposium, forum, panel discussion, dinner, viewing, reception or similar event, offered by the entity responsible for organizing and presenting the event and unsolicited by the Member of Council, if attending or participating in their official capacity, including:
 - i participation in an event as a speaker or panel participant by presenting information related to Regional matters;
 - ii performance of a ceremonial function appropriate to the Member of Council's office; and

- iii attendance at an event that is appropriate to the official capacity of the Member of Council;
 - e) Admission to a training or education program, including meals and refreshments furnished to all attendees, if such training or education is related to the Member of Council's duties in office and in the interest of the Region;
 - f) Food, lodging, transportation and entertainment provided by federal provincial or municipal governments or by political subdivisions of them or by a foreign government within a foreign country;
 - g) gifts of a nominal value (e.g. baseball cap, t-shirt, flash drive, book, etc.);
 - h) a suitable memento of a function honouring the member;
 - i) Food and beverages consumed at banquets, receptions or similar events, if:
 - i attendance serves a legitimate business purpose; and
 - ii the value is reasonable and the invitations infrequent;
 - j) Communication to the office of a Member of Council including subscriptions to newspapers and periodicals.
- 10.4 Except for paragraph (c), the exceptions listed in subsection 10.3 do not apply to lobbyists. Members are not permitted to accept a gift or benefit from a lobbyist unless it is a political contribution permitted by law.
- 10.5 Use of property or facilities, such as a vehicle, office or vacation property at less than fair market value or at no cost shall be considered a gift.
- 10.6 If a Member agrees to fundraise on behalf of any community organization, not-for-profit group, or community association, the Member should ensure that contributions are received by a means that does not involve cash. Contributions should be made directly to the applicable organization, group or association.
- 10.7 Members will not accept gifts or benefits that would, to a reasonable member of the public, appear to be in gratitude or compensation for influence, to induce the Member to exercise his or her influence, or otherwise to go beyond necessary and appropriate public actions.

11. Tickets

- 11.1 The Region of Waterloo is home to many types of festivals, community, cultural, and sporting events. Consequently, Members are often expected to attend, or are frequently encouraged to attend, by being provided with tickets or invitations.
- 11.2 Members that wish to attend community events are encouraged to use their Community Events Expenditure Allowance in accordance with the Communications and Community Events Expenditure Allowances Policy.
- 11.3 Tickets that are provided to a Member at less than face value shall be treated as gifts and disclosed when applicable.

11.4 Tickets or admission to banquets, receptions, sporting events, cultural events, performances or similar events, for charitable, not-for-profit or community purposes that meet the following requirements are exempt from the reporting requirements:

- a) Attendance is open and transparent and serves a legitimate charity fundraising or community purpose;
- b) The value and location are reasonable; and
- c) Attendance at the event is unsolicited by the Member.

12. Disclosure and Reporting of Gifts and Benefits

12.1 Members will maintain a list of all gifts and benefits received in a calendar year.

12.2 The Member shall specify for each gift or benefit:

- a) the nature of the gift or benefit
- 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 any gift; and
- f) whether the gift will at any point be left with the Region.

12.3 Each Member shall provide their list to the Integrity Commissioner for review on a quarterly basis.

12.4 On receiving the member's list, 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 violate any part of section 10. 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.

12.5 Should the Integrity Commissioner determine that the receipt of a gift or benefit created a conflict between a private interest and the public duty of the Member, or violated any part of section 10, the Integrity Commissioner may direct the Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the Region and amend their list accordingly.

12.6 After the review of the list, any single gift or benefit that exceeds \$300.00 and/or any accumulated gifts or benefits that exceed \$300.00 from a single source, shall be posted to the Region's website.

13. Improper Use of Influence

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

13.2 Examples of types of prohibited conduct under this section include but are not limited to:

- a) the use of one's status as a Member to improperly influence the decision of another person to the private advantage of oneself; or one's family members; Regional employees; friends; or associates, business or otherwise; including attempts to secure preferential treatment beyond activities in which Members of Council normally engage on behalf of their constituents as part of their official duties; or
- b) the holding out of the prospect or promise of future advantage through a Member of Council's supposed influence within Council in return for present actions or inaction.

13.3 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, Regional employees, friends, or associates, business or otherwise, as one of a broad class of persons; or
- c) that concerns the remuneration or benefits of a Member.

14. Conflict of Interest

14.1 Members shall conduct themselves in accordance with the Municipal Conflict of Interest Act as amended from time to time.

14.2 It is the responsibility of individual Members to ensure that they are aware of and trained in the application of the Municipal Conflict of Interest Act. The onus is on the Member to identify a conflict of interest, and he or she shall take the appropriate action to disclose/identify the existence of a conflict in favour of her or his public duty.

14.3 Legal fees incurred in connection with a Court application by a Member to obtain a proactive ruling on compliance with the Municipal Conflict of Interest Act will be addressed in accordance with the Reimbursement for Municipal Conflict of Interest Act Legal Opinion Expenses Policy.

15. Business Relations

15.1 No Member shall act as a paid agent before Council, its committees, or an agency, board or commission of the Region except in compliance with the terms of the Municipal Conflict of Interest Act as amended from time to time.

15.2 A Member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

15.3 No Member shall borrow money from any person who regularly does business with the Region unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

15.4 No Member shall allow the prospect of her or his current or future employment by a person or entity to detrimentally affect the performance of his or her duties for the Region.

16. Employment of Family Members

- 16.1 No Member of Council shall attempt to influence the hiring, promotion or appointment of a family member.
- 16.2 No Member of Council shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate their family member.
- 16.3 If a family member of a Member of Council is an applicant for employment with the Region or candidate for promotion or transfer, the family member will proceed through the usual selection process with no special consideration.
- 16.4 No Member of Council 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.
- 16.5 No Member of Council shall attempt to use a family relationship for financial or other gain.

17. Confidential Information

- 17.1 No Member of Council shall 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.
- 17.2 No Member of Council shall use confidential information for financial or other gain, or for the financial or other gain of a family member or any person or corporation.
- 17.3 No Member shall disclose the content of any such matter, or the substance of deliberations, of a closed meeting until the Council or committee discusses the information at a meeting that is open to the public or releases the information to the public.
- 17.4 No Member shall permit any persons other than those who are entitled thereto to have access to information that is confidential.
- 17.5 Members of Council shall not access or attempt to gain access to confidential information in the possession of the Region unless it is necessary for the performance of their duties and not prohibited by Regional policy.

18. Conduct at Meetings

- 18.1 Members will conduct themselves at Council and in Region related business meetings with decorum and in accordance with the Region's Procedural By-law.

18.2 Members will show respect for delegations, fellow Members, and staff by not distracting from the business of the Council during presentations or when other Members have the floor.

18.3 Members may communicate a position that is contrary to that taken by Regional Council but in doing so should make clear that they are not representing the Council and refrain from making disparaging comments about other Council and demonstrate respect for Council's processes and decisions.

19. Representing the Region

19.1 Members of Council shall make every effort to attend and participate diligently in the activities of the agencies, boards, commissions, and committees to which they are appointed.

20. Conduct Regarding Staff

20.1 Members shall be respectful of the fact that staff work for the municipality as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual Member or group of Members.

20.2 Direction to staff may only be given by Standing Committee or by Regional Council and no Member shall attempt to direct staff.

20.3 No Member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all Members shall show respect for the professional capacities of the staff of the Region.

20.4 Certain employees are employed within the administration of justice. Members shall refrain from making requests or statements or taking actions which may be construed as an attempt to influence the independent administration of justice.

20.5 Requests from Members for action from staff will be addressed in accordance with the Council Requests for Information, Reports and Enquiries Policy and the Region's Procedural By-law.

21. Harassment/Bullying

21.1 Harassment of another Member, Staff or any member of the public is prohibited under the Ontario Human Rights Code. Harassment, whether it occurs inside or outside the workplace, or whether it is related to the work environment or other activities of a Member, is inappropriate behaviour for the purpose of this Code.

21.2 Members will not engage in workplace harassment, discrimination, or violence as defined by the Ontario Human Rights Code and the Ontario Occupational Health and Safety Act when dealing with other Members, Staff, volunteers or members of the public.

22. Reprisals and Obstruction

22.1 No Member shall obstruct the Integrity Commissioner in the carrying out of her or his responsibilities.

22.2 No Member shall threaten or undertake any act of reprisal against a person initiating an inquiry or complaint under the Code or who provides information to the Integrity Commissioner in any investigation.

22.3 Examples of the types of obstruction prohibited include but are not limited to:

- a) destroying documents, including erasing electronic documents;
- b) withholding or concealing documents, including electronic documents;
- c) failing to respond to the Integrity Commissioner within fifteen (15) days after a written request is given or within such longer period as the Integrity Commissioner may allow.

22.4 Any employee who files a complaint of a contravention of the Code of Conduct will not be subjected to any form of penalty or reprisal provided the complaint is made:

- a) in good faith; and
- b) in the reasonable belief of the complainant that a contravention of the Code of Conduct has occurred.

23. Procedure for Obtaining Advice

23.1 All requests for advice from the Integrity Commissioner shall be made in writing.

23.2 All advice of the Integrity Commissioner shall be provided in writing in accordance with applicable legislation.

23.3 Where the Integrity Commissioner learns of a violation through the request for advice from any Member, the Integrity Commissioner is required to report such a violation to Council.

23.4 The Integrity Commissioner may decline to give advice if he/she determines that it will put him or her in conflict with his or her duty to Council as a whole.

23.5 In accordance with section 223.5 of the Municipal Act, the Integrity Commissioner may release written advice provided to a Member with the Member's written consent. If a Member releases a portion of the advice provided by the Integrity Commissioner, the Integrity Commissioner may choose to release all of, or a portion of, the advice without obtaining the Member's consent.

24. Complaints

24.1 Where a Member of Council, an employee of the Region or a member of the public has reasonable grounds to believe that a Member has breached this Code, a complaint may be submitted to the Regional Clerk in accordance with the Complaint Protocol.

25. Review Process

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

25.2 Members of Council will be provided with an overview of their obligations and responsibilities related to the Code, and endorse the Code, at the beginning of each new term of Council.

25.3 A mandatory Council review of the Code will occur within each term of Council.

Complaint Protocol

1. Role of the Integrity Commissioner

1.1 The Integrity Commissioner shall be responsible for the provision of services as established by Council which will include the following:

- a) To provide written advice to Members concerning the interpretation of and compliance with, the Code of Conduct ("Code"); and sections 5, 5.1, and 5.2 of the Municipal Conflict of Interest Act;
- b) To provide Council, with specific and general opinions and advice on the interpretation of the Code, including revisions thereto;
- c) To conduct inquiries into a request made by Council, a Member, a member of staff or a member of the public into whether a Member has contravened any applicable provision of the Code or the Municipal Conflict of Interest Act;
- d) To attempt to settle any complaint between the complainant and the Member before commencing an inquiry; and
- e) To provide educational materials to Members and the public regarding the Code and the Municipal Conflict of Interest Act.

2. Informal Complaint Procedure

2.1 Any Member of Council, employee of the Region or a member of the public who has reasonable grounds to believe that a behaviour or activity of a Member of Council has contravened the Code may wish to address the prohibited behaviour or activity themselves as follows:

- a) advise the Member that the behaviour or activity contravenes the Code;
- b) encourage the Member to stop the prohibited behaviour or activity;
- c) keep a written record of the incident(s) including dates, times, locations, other persons present, and any other relevant information;
- d) 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
- e) consider the need to pursue the matter in accordance with the formal complaint procedure, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

2.2 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. With the consent of the complaining individual and the Member, the Integrity Commissioner may be part of any informal process. However, it is not a precondition or a prerequisite that those complaining must pursue the informal complaint procedure before pursuing the formal complaint procedure.

3. Formal Complaint Procedure

- 3.1 All complaints shall be submitted to the Regional Clerk and sworn before a commissioner of oaths in a form approved by the Regional Clerk who shall forward them to the Integrity Commissioner.
- 3.2 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) a supporting affidavit that sets out the evidence in support of the complaint; and
 - f) any written material in support of the alleged contravention.
- 3.3 Upon receipt of a complaint involving a Member other than the Regional Chair, the Regional Clerk shall immediately advise the Regional Chair and Chief Administrative Officer ("CAO").
- 3.4 Upon receipt of a complaint involving the Regional Chair, the Regional Clerk shall immediately advise the CAO and the Chair of the Administration and Finance Committee to act in place of the Regional Chair.

4. Confidentiality

- 4.1 The Integrity Commissioner shall carry out all inquiries 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 Municipal Act.
- 4.2 All records of investigations shall be kept confidential and access limited to those in the Region with a need to know for the purposes of conducting a full investigation.

5. Initial Review by Integrity Commissioner

- 5.1 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 Regional policies.
- 5.2 If the request does not include a supporting affidavit, the Integrity Commissioner shall defer the review until an affidavit is received.
- 5.3 A complaint involving an alleged contravention that has already been investigated will not be re-investigated unless new evidence is presented.
- 5.4 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 a complaint procedure under another Council policy, the Integrity Commissioner shall advise the Complainant in writing as follows:

- a) If the complaint on its face is an allegation of a criminal nature consistent with the Criminal Code of Canada, the Integrity Commissioner shall refer it to the appropriate authorities and advise the Complainant that if the complainant wishes to pursue any such allegation, the Complainant must pursue it with the appropriate police service;
- b) If the complaint on its face relates to non-compliance with the Municipal Freedom of Information and Protection of Privacy Act, the Complainant shall be advised that the matter will be referred to the Regional Clerk for review.
- c) If the complaint on its face is with respect to non-compliance with a more specific Council policy, with a separate complaint procedure, the Complainant shall be advised that the matter will be processed under that procedure; and
- d) In other cases, the Complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

5.5 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.

5.6 Where it has been determined that a complaint should be dealt with under one of the above processes, it will no longer be considered or dealt with by the Integrity Commissioner and the time limits within the above processes will apply accordingly.

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

5.8 Other than in exceptional circumstances, the Integrity Commissioner shall not report to Council on any complaint described in subsection 5.7 except as part of an annual or other periodic report.

6. Investigation & Settlement

6.1 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.

- 6.2 Section 223.4(2) of the Municipal Act provides for the Integrity Commissioner to elect to investigate a complaint by exercise of the powers of a commission under Parts I and II of the Public Inquiries Act.
- 6.3 When the Public Inquiries Act applies to an investigation of a complaint, the Integrity Commissioner shall comply with the procedures specified in that Act and this Complaint Protocol, but if there is a conflict between a provision of the Complaint Protocol and a provision of the Public Inquiries Act, the provision of the Public Inquiries Act shall prevail.
- 6.4 The Integrity Commissioner will proceed as follows, except where otherwise required by the Public Inquiries Act:
- a) Serve the complaint and supporting 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 response provided by the Member upon the Complainant with a request for a written reply within ten (10) days or such longer period as the Integrity Commissioner may authorize in writing.
- 6.5 Section 33 of the Public Inquiries Act allows the Integrity Commissioner to speak to anyone relevant to the complaint, access and examine any of the information relevant to the complaint and to enter any Regional 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.
- 6.6 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.

7. Final Report

- 7.1 The Integrity Commissioner shall make every effort to complete an investigation within thirty (30) days.
- 7.2 If the Integrity Commissioner requires more than thirty (30) days to complete an investigation, the following shall be notified accordingly:
- a) The Complainant;
 - b) the Member to whom the complaint relates;
 - c) the CAO; and
 - d) the Regional Chair in the case of a complaint concerning another Member; or the Chair of the Administration and Finance Committee in the case of a complaint concerning the Regional Chair.

8. Reporting the Results of an Investigation

- 8.1 The Integrity Commissioner shall report her or his findings to an open meeting of Regional Council. 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.
- 8.2 The Integrity Commissioner shall give a copy of the final report to the complainant and the Member whose conduct is concerned fifteen (15) days prior to the Council meeting at which it will be considered.
- 8.3 Where the complaint is sustained in whole or in part, the Integrity Commissioner shall provide a report to Council outlining her or his findings and/or recommended penalty and the terms of any settlement.
- 8.4 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 judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.
- 8.5 The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any Member unless the Member has had reasonable notice of the basis for the proposed finding and any recommended sanction and an opportunity either in person or in writing to comment on the proposed finding and any recommended sanction.

9. Report to Council

- 9.1 Regional Council shall consider and respond to a report from the Integrity Commissioner within thirty (30) days after the day the report is laid before it.
- 9.2 Subsection 223.4 of the Municipal Act, 2001 authorizes Council to impose either of two penalties on a Member of Council following a report by the Integrity Commissioner that, in his or her opinion, there has been a violation of the Code of Conduct:
 - a) a reprimand; or
 - b) suspension of the remuneration paid to the Member in respect of her or his services as a Member for a period of up to ninety (90) days.
- 9.3 The Integrity Commissioner may also recommend that Council take the following actions:
 - a) remove the Member from a committee or local board;
 - b) remove the Member as Chair of a committee or local board;
 - c) request the Member repay or reimburse monies received;
 - d) request that the Member return the property or reimburse its value to the provider of the gift or benefit;

- e) request that the Member apologize to Council, the complainant or both; and/or
 - f) any other action authorized by law.
- 9.4 Any recommended corrective action shall be designed to ensure that the inappropriate behaviour or activity does not continue.
- 9.5 All reports to Council by the Integrity Commissioner on the investigation of complaints are public documents once they have been presented to Council.
- 9.6 The Integrity Commissioner shall be responsible for ensuring the above procedures are followed with respect to requests for inquiries and for conducting investigations.
- 9.7 Upon completion of an inquiry in to an alleged violation of sections 5, 5.1, and 5.2 of the Municipal Conflict of Interest Act, the Integrity Commissioner may apply to a judge under section 8 of the Municipal Conflict of Interest Act for a determination as to whether the Member has contravened section 5, 5.1 or 5.2 of that Act.
- 9.8 Upon completion of an inquiry in to an alleged violation of sections 5, 5.1, and 5.2 of the Municipal Conflict of Interest Act, the Integrity Commissioner shall report to Council and the applicant the reasons for applying, or not applying, to a judge under section 8 of the Municipal Conflict of Interest Act.

10. Limitation Period

- 10.1 The Integrity Commissioner shall not proceed with an inquiry in regard to a complaint more than one (1) year after the date when the event or series of events which are the subject matter of the complaint were discovered by the complainant. An event, or series of events, is discovered on the earlier of the date upon which the complainant first knew,
- a) that the event(s) had occurred and by whom, or
 - b) that the event(s) may have constituted a contravention of the Code.
- 10.2 The onus of proof as to the date of discovery lies with the complainant.
- 10.3 Where the Integrity Commissioner decides not to proceed with an investigation of a complaint received more than one (1) year after the date when the event(s) occurred, the Integrity Commissioner shall prepare and file a report to Council setting out that decision.

11. Complaints in Municipal Election Years

- 11.1 If the Integrity Commissioner has not completed an investigation before Nomination Day, the Integrity Commissioner shall terminate the investigation.

- 11.2 Any complaint received by the Regional Clerk during the period of time sixty (60) days prior to Nomination Day and ending on Voting Day shall not be referred to the Integrity Commissioner for investigation.
- 11.3 During the period of time beginning with Nomination Day and ending with Voting Day the Integrity Commissioner shall not report on whether, in their opinion, a Member has contravened the Code of Conduct and Council shall not consider whether to impose any penalties related to a Code of Conduct violation.
- 11.4 Any complaint that is ineligible for investigation, or any investigation that is terminated, due to the above time period may be investigated, notwithstanding the one year limitation period set out in section 10, provided that a new, or resubmitted, complaint is received by the Regional Clerk, within six (6) weeks of Voting Day.

12. Retroactive complaints

- 12.1 This complaint protocol shall not apply retroactively to any alleged transgressions occurring prior to the effective date of the Code of Conduct.

Appendix A - Accountability and Transparency Policy

 <p>COUNCIL/LEGISLATED POLICY</p>	Section #	Policy #
	7	05
	Approval Date: November 14, 2007	Revision Date:
Title:	ACCOUNTABILITY AND TRANSPARENCY POLICY	
Responsibility:	C&AS	Approval Level: Council
Applies to:	All Staff and Regional Councillors	

POLICY STATEMENT

The Regional Municipality of Waterloo is an accountable and transparent organization and is committed to:

- Openness and fairness when transacting Regional business,
- Efficient and effective financial management,
- An open, responsive meeting process that ensures citizen have access to and awareness of the Council/Committee business being discussed,
- Providing access to public information consistent with legislative requirements,
- Ensuring staff conduct themselves in accordance with policies, procedures and practices,
- Responding in a timely manner to inquiries, concerns and complaints,
- Ensuring delegated responsibilities are documented and include appropriate oversight,
- Knowing, understanding and following any legislative mandate approved by the Provincial or the Federal government.

The purpose of the policy provides guidance on how the Region of Waterloo ensures municipal matters are approached in an accountable and transparent manner, with emphasis on openness, ethics performance outcomes and fiscal responsibility.

DEFINITIONS

- 1) **Accountability:** The concept or principle that a municipality is responsible for their actions, decisions and policies and may be required to explain them and be answerable for resulting consequences.
- 2) **Transparency:** The concept or principle that the municipality is open, clear and visible to those we serve. Citizens must be able to “see through” a municipality’s inner workings to know exactly what goes on when public officials transact public business.

OPERATING PRINCIPLE

This policy, Accountability and Transparency Policy, is to function as the umbrella policy for the requirements of the *Municipal Act*.

The Region develops and approves policies, procedures and practices that contribute to creating an open, accountable, and transparent public organization. Those policies can be broken into 6 categories: These categories are defined below.

Category 1 – Open Government and Legislated Requirements - The Region of Waterloo is accountable and transparent to citizens by fulfilling various legislated responsibilities and the disclosure of information. The public decision making process is to be accountable and transparent at the Region. For these reasons the Region is dedicated to:

- Conducting its Council/Committee meetings and associated business in open session, except when permitted under the *Municipal Act* as amended,
- Providing notice of closed meetings in accordance with the *Municipal Act* as amended,
- Appointing a meeting investigator in accordance with the *Municipal Act*,
- Providing access to credible information that can be obtained through routine disclosure and in accordance with *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) and *Personal Health Information Protection Act* (PHIPA).

The following are examples of provincial statutes that govern how the Region conducts its business in a public, accountable and transparent manner: *Municipal Act, 2001, Municipal Conflict of Interest Act, Provincial Offences Act, Municipal Freedom of Information Protection Act, Public Sector Salary Disclosure Act*.

Category 2 – Open Government and Regional Requirements – The Region of Waterloo is accountable and transparency to citizens by providing governance in an open manner. The following are examples of policies, procedures and practices that ensure the Region is transparent in its operations and citizens are aware of how decisions are made and carried out: Council Procedural By-law, Notice Policy, process for the public distribution of Council and Committee agendas and meeting documentation.

Category 3 - Financial Accountability, Oversight and Reporting – The Region of Waterloo is accountable and transparent to citizens by identifying the source of Region funds and how those funds are used to deliver services. The following policies, procedures and practices are examples that demonstrate the Region of Waterloo's financial accountability and oversight and reporting mechanisms: External Auditor and their report, Internal Audit program and reports, Financial Management By-law and reports, Execution of Documents By-law , Purchasing By-law and Reports.

Category 4 - Performance Measurement and Reporting – The Region of Waterloo is accountable and transparent to citizens by using various results oriented tools to measure progress on performance and the achievement of corporate service standards and goals. The Region is committed to producing performance information that measures how the Region is doing in all areas over which it has responsibility. The following are examples of policies and procedures in this category: Annual Report, Corporate Strategic Plan, Financial information Return and accompanying Municipal Performance Measurement program, Ontario Municipal Benchmarking Initiatives, internal performance measures, Quality of Life Reporting System through Federation of Canadian Municipalities.

Category 5 – Internal Accountability and Ethical Standards : Other Regional policies and procedures are also developed in response to Community and Corporate needs. The Region of

Waterloo has established policies, procedures and practices that govern internal accountability and ethical standards for the Region. Examples of these policies include Human Resources policies including the staff Code of Ethics, Corporate Strategic Plan including values, vision and mission statement, Hiring of Relatives policy, Guidelines for the use of equipment during elections, and Workplace Harassment Policy.

Category 6 – Other Legislated Requirements and Requirements from other Governments: The Region is responsible for a diverse range of responsibilities. In many cases legislation other than the Municipal Act mandates processes for Council to follow. Examples of these legislative requirements would be the Planning Act, Environmental Assessment Act, Safe Water Drinking Act, and Health Protection and Promotion Act. The Region also has several funding partners. These funding partners also impose financial reporting responsibilities onto the Region.

OPERATING DETAILS

The Policies identified above and within the control of the Region shall be subject to the following provisions:

- Include the operating details within the individual policies,
- Contain statement(s) regarding the consequences of not complying with the policy,
- Provide for a formalized complaint process

Municipal Act Policies: The following policies are required by the *Municipal Act* as amended: The procedural by-law, sale of land policy, hiring of employees policy, procurement of goods and services, public notice and associated processes, and delegation of powers and duties to committees, boards or individuals. Each policy of these *Municipal Act* policies and this policy shall also be subject to the following additional provisions:

- Policies shall identify within the policy when and how the policy will be reviewed to evaluate its effectiveness,
- Provide adequate notice when the policy is to be amended,
- Provide for a formalized complaint process.

The Policies identified in Category 6 shall follow the criteria established within the mandated legislative framework or the agreement with the funding partner. Reporting on these activities will occur as legislated.

REVIEW PERIOD

This policy shall be reviewed once per Council term. Notice for the review of this policy shall be given in accordance with the Region of Waterloo Notice Policy.

RESPONSIBILITIES

Regional Council and staff are responsible for adhering to the parameters of this policy and for ensuring accountability for their actions and transparency of municipal operations.

MONITORING/CONTRAVENTIONS

The Regional Clerk shall be responsible for receiving concerns or complaints related to this

policy. Upon receipt of a concern/complaint the Clerk shall notify:

- a) in the case of staff, the Department Head and Director responsible for the area and the Director, Employee Relations,
- b) in the case of closed meetings, the meeting investigator,
- c) in the case of Council, the Regional Chair.

SEE ALSO:

[Notice Policy #07-07](#)

[Sale and Disposition of Land By-law, 95-034](#)

[Purchasing By-law, 04-093](#)

[Employment of Relatives \(HR Policy I-12\)](#)

Municipal Act, 2001, as amended

Appendix B - Communications and Community Events Expenditure Allowances Policy

 Council/Legislated Policy	Section # 7	Policy # 08	
	Approval Date: November 19, 2014	Revision Date:	
Title:	Communications and Community Events Expenditure Allowances		
Responsibility:	Elected Offices	Approval Level:	Council
Applies to:	Regional Councillors		

Policy Statement:

This policy provides for the provision of a separate **Communications Expenditure Allowance** and a separate **Community Events Expenditure Allowance** for each Member of Regional Council. The policy further defines the permitted uses for these funds.

This policy repeals and replaces the “Information Technology and Community Events Expenditure Allowances Policy”

The provision of the Communications Allowance for Members of Regional Council is intended to provide greater flexibility to Councillors in setting up their home offices and in determining the technology devices and BlackBerry service plan configurations that will best meet their individual needs and working styles and, to allow greater access to them by their constituents while continuing to safeguard the security of the Region’s Information Technology systems and/or Information.

The provision of the Community Events Expenditure Allowance is intended to provide Regional Councillors with more opportunities to meet with their constituents and community groups and organizations through attendance and participation at a greater number and variety of community events and functions.

It is expected that area Mayors will first access the resources available to them through their area municipality prior to accessing their Regional Communications and Community Events expenditure allowances.

Exemptions:

This policy does not apply to the following Council Expenses:

Council Conference & Other Travel Expenses

These will continue to be approved and reimbursed in accordance with the Council Conference Policy (Regional Council Policy 1.1) as amended and Region of Waterloo Expense Reimbursement policies.

Basic Corporate-Standard Information Technology Devices

At the start of each term of Regional Council, the Region will continue to supply Members of Regional Council with the following corporate standard information technology devices (unless they are otherwise provided to a Councillor by their area municipality):

- 1 of Computer (laptop/desktop) or Tablet (as arranged by IT and Procurement staff).
- 1 multifunction Printer/Copier/Fax/Scanner (as arranged by IT and Procurement staff).
- The licences required for operation of the above devices and other Regional applications and software.

Communications Expenditure Allowance

Operating Principles

Each Member of Regional Council will have access to an annual Communications Expenditure Allowance of up to \$3,250 per year.

Reimbursable items under this discretionary allowance include basic home telephone and high-speed internet costs, and corporately supported, secure, compatible and reasonably interoperable information technology devices. This would include:

- BlackBerry unit purchases and upgrades
- BlackBerry accessories
- BlackBerry operating (service plan) costs (Guideline of up to \$100 per month)
- Costs of a home telephone line
- Costs of one home high speed internet connection
- other smart phones, operating costs, and accessories
- an additional laptop or desktop computer
- tablet computer
- an additional printer/fax/copier/scanner
- external memory
- routers
- wireless headsets
- any service plans required for the operation of any information technology devices purchased using this expenditure allowance

- other technology devices a Councillor would deem necessary to establish and maintain a home office and/or conduct Regional business effectively and efficiently.

Prior to making any information technology device purchases, Councillors should reference the guidelines below and further consult with staff to ensure that the device can be corporately supported, that it is secure, compatible and reasonably interoperable with Regional Information Technology systems.

BlackBerry Smart Phones

Generally all BlackBerry products should be acceptable.

Compatible Laptop, Desktop computers

Those that use a Windows based operating system are preferred. If a Councillor wishes to purchase a computer that uses a different operating system, it is recommended that they consult first with Information Technology staff to ensure it will be supported and reasonably compatible with Region of Waterloo Information systems.

Regionally Supported/Compatible Tablets

Those that are compatible and reasonably interoperable with Regional Information systems and that are secure such that they would not pose a threat to or unduly compromise the security of Regional Information systems and/or Information.

Printer/Fax/Copier/Scanner

Generally all available models should be acceptable but it is recommended that Councillors check with Information Technology staff who can provide advice on the models that are most cost effective, easy to install and configure, and that perform all functions reasonably well.

Use of Another Organization's Smart Phone for Regional Business

A Councillor may opt to use a compatible smart phone issued by another organization for their Regional email and other business. The request should be made through the RAAC who will arrange with Regional IT staff to have Regional accounts forwarded. The external organization may invoice the Region of Waterloo Finance department monthly for the costs related to Regional business up to the monthly guideline of \$100.

The invoice submitted by the outside organization must include a copy of the monthly usage summary and clearly identify the usage related to Regional business.

Operating Details

Each Regional Councillor will have access to a Communications Expenditure Allowance of up to \$3,250 per year to be used for communications, the purchase of technology devices and any associated operating costs.

Any unused funds at year-end (December 31) will expire and will not carry forward.

In the event that a Councillor's **corporate** issue laptop, tablet or printer breaks or malfunctions at any point during the term and it cannot be repaired, the cost of a replacement unit would not be charged against the Councillor's Communications Expenditure Allowance. It will be covered under the Regional Council Budget – Computer Equipment Reserve.

In the event a Councillor chooses to upgrade a functioning **corporate** issue laptop, tablet or printer and it is outside the corporate replacement schedule, the entire cost will be charged against the Councillor's Communications Expenditure Allowance.

Blackberry upgrades will always be charged against a Councillor's Communications Expenditure Allowance **unless** the unit has malfunctioned and cannot be repaired. In this situation it will be charged against the Regional Council Budget – Computer Equipment Reserve.

Any device(s) for which a Councillor has received full reimbursement for the purchase price from the Region of Waterloo, or which has been purchased for a Councillor by the Region of Waterloo – under this policy or any other policy – is/are deemed to be the property of the Regional Municipality of Waterloo and must be returned to the Region on or before the date a Councillor ceases to be a Member of Regional Council. The returned items will be dealt with in accordance with the "Disposal of Surplus" provisions of the Region of Waterloo Purchasing By-law #04-093 as amended by By-law #10-028.

Procedures:

If possible in advance of making any purchases, Councillors should contact the Research/Administrative Assistant to Council (RAAC) and provide the following information:

- The device the Councillor would like to purchase including the proposed make, model and cost; and,
- The intended uses of the device.

The RAAC will then follow-up with Information Technology staff to determine/confirm the following:

- the proposed technology device is compatible and reasonably interoperable with Region of Waterloo Information Technology systems and can be reasonably supported by Regional Information Technology staff; and,

- the device has adequate security and will not unduly compromise or undermine the security of the Region's Information Technology systems and/or Information. The RAAC will report the findings back to the Councillor. If the Councillor wishes to proceed, the RAAC will make the necessary arrangements to obtain the item for the Councillor if it can be obtained at a lower cost through the Region's purchasing program or, the Councillor may make the purchase and submit the receipt for reimbursement.

If a device is found to not have adequate security encryption and may pose a threat to or undermine the Region's Information Technology systems and/or Information, the device may not be used to connect with Regional Information Technology systems.

In accordance with Regional Expense Reimbursement Policies, expenses will not be reimbursed without submission of a receipt.

Home Telephone and Internet Expenses

These expenses may be submitted for reimbursement as part of a Councillor's monthly expense claim. A copy of the bill/invoice must be attached to the expense claim form.

The Region will not pay service providers of home telephone and internet directly.

Where charges for long distance calls are included in the claim for telephone expenses, the calls relating to Regional business should be clearly identified on the bill.

These expenses will be tracked under and charged against the annual Communications Expenditure Allowance and must fall within the \$3,250 annual limit.

Community Events Expenditure Allowance

Operating Principles

Each Member of Regional Council will have access to an annual Community Events Expenditure Allowance of up to \$1,200 per year.

Reimbursable expenses under this allowance include the costs of attending and participation in community events.

Operating Details

Each Councillor will also have access to a Community Events Expenditure Allowance of up to \$1,200 per year to cover the costs of attending community events. Any unused funds at year-end (December 31) will expire and will not carry forward.

No Councillor may exceed the \$1,200 annual limit for purchases made under the Community Events Expenditure Allowance.

Approved Community Events

Councillors may access their Community Events Expenditure Allowance to cover the costs of attendance at:

- community charity events
- business, technology and education sector events, seminars
- community organization forums, seminars, workshops and events
- community appreciation events
- community recognition events
- local festivals
- neighbourhood events
- attendance by the spouse and/or partner of a Councillor at events where there is a reasonable expectation that they would accompany the Councillor.

Procedures:

The costs of attending Community events may be covered directly by the Councillor who will submit receipts for such costs to the RAAC for reimbursement through payroll expense.

A Councillor may ask the RAAC to arrange for attendance at a community event for them. The cost will be deducted from their Community Events Expenditure Allowance balance.

In accordance with Regional Expense Reimbursement Policies, expenses will not be reimbursed without submission of a receipt.

Expense Tracking and Public Reporting

Expense Tracking

The RAAC will keep copies of expense claims and receipts for items purchased under this policy and will track Communications and Community Event costs for each Councillor. The RAAC will provide to each Councillor a personalized printout that lists the Communications expenses and Community Event costs they have incurred and the remaining balances in their annual Communications Expenditure Allowance and annual Community Events Expenditure Allowance respectively, according to the following schedule:

- **By May 31** - Status update to each councillor for expenses January 1 – April 30.
- **By September 30** - Status update to each councillor for expenses January 1 – August 31
- **By February 28** – Status update to each councillor for expenses January 1 – December 31 (previous calendar year)

Note that Members of Council may request an update from the RAAC on the status of their individual expenditure allowances at any time.

Twice each year, the Region of Waterloo Finance Department will send a summary of Regional expense claims submitted and reimbursed for each area mayor to their respective area municipal finance department.

Public Reporting of Councillor Expenses

Effective January 1, 2015, the Region of Waterloo will post/update Council expenses on the Region's website as follows:

Preliminary Council Expenses,

For January 1 – April 30 period - posted to website by mid June each year

For January 1 – August 31 period – posted to website by mid October each year

Annual Report to Council – Council & Appointees Remuneration & Expenses

Councillor remuneration and expenditures for the previous calendar year January 1 – December 31 will continue to be reported annually, in March, by the Chief Financial Officer in accordance with applicable Provincial legislation and will serve as the official record of Council remuneration and expenses for the previous calendar year.

Policy Amendments

Where an interpretation of the policy is required, a request may be made to the Regional Chair in consultation with the Chief Financial Officer.

Requests for changes to this policy may be submitted for review by the Audit Committee prior to going to Council for consideration.

See Also:

[Council Conference Policy #7-01](#)

[Purchasing By-Law, 04-093](#)

Appendix C - Council Conference Policy

 Council/Legislated Policy	Section # 7	Policy # 01	
	Approval Date: April 11, 2001	Revision Date: November 19, 2014	
Title:	Council Conference Policy		
Responsibility:	Regional Chair & Council	Approval Level:	Council
Applies to:	All Regional Councillors		

Policy Statement:

This policy applies to all travel requests from Members of Regional Council.

Operating Principles:

1. All Regional Councillors may choose to attend conferences related to their duties as a Regional Councillor and/or matters of Regional significance and/or matters within the Regional government mandate, and must register as Regional Councillor.
2. Councillors may choose to attend conferences that are situated in Province, in Canada and within the continental United States without Council approval.
3. Requests by Councillors to attend international conferences, outside the continental United States and Canada, must be approved by Council.
4. Councillors must first submit an "Application for Attendance" form through the Research-Administrative Assistant to Council (RAAC) prior to registering or booking travel.
5. Councillors may attend up to 3 conferences per year of two or more days in duration requiring an overnight stay. The Annual General Meetings of the Federation of Canadian Municipalities (FCM) and the Association of Municipalities of Ontario (AMO) would be included in this 3 conference limit.
6. AMO/FCM related expenses for Councillors who are members of the Boards and/or committees of FCM and AMO will be reimbursed by the Regional Municipality of Waterloo and these meeting expenses are provided for in addition to the 3 conferences per year per Councillor.
7. Per diems may be claimed and will be reimbursed upon submission of an expense claim on return from travel and will be set at the rate and limits established by the Regional Municipality of Waterloo for staff. Where meals are provided at a conference or otherwise paid for, the maximum per diem is reduced by the appropriate meal amount.

8. Councillors should be registered at least 30 days prior to departure and/or before the conference early registration cut-off date in order to take advantage of discounts on registration, airfare and accommodation. Exceptions to this may be reviewed by the Regional Chair or the Chair of Administration and Finance Committee.
9. That the following corporate policies concerning class and mode of travel and accommodation be endorsed and applied to Council travel:
 - a. the airfare be Economy Class plus ground transportation (taxi, shuttle, public transit) to and from the airport(s)
 - b. automobile or train travel may be substituted for air travel, however, the reimbursement will be based on the lower of the actual expense incurred or the cost of Economy Class round trip air travel plus the cost of any airport transfers
 - c. expenses for accommodation will be covered/reimbursed based on the single room rate
 - d. Car rental is not normally reimbursed unless other forms of transport (taxi, public transit, and shuttle) from the destination airport/train station to the conference site are not viable due to cost or travel time required. When car rental has been approved by the Regional Chair the cost of a rental car will be reimbursed based on:
 - i. the cost of a compact/economy rental car, one driver, for the number of days required for the official business of the conference
 - ii. gas (original receipts must be attached)
 - iii. Insurance obtained from the car rental agency
 - e. Original receipts must be attached to the expense claim and must be in the name of the councillor making the claim.
10. The Regional Municipality of Waterloo will reimburse conference expenses within the limits of this policy for area mayors subject to the following:
 - a. The respective area mayor must submit through the RAAC a "Request for Attendance" form and clearly indicate their intention to register for and attend a conference as a Regional Councillor.
 - b. The area mayor will be formally registered and attends the conference as a Regional Councillor and not in their capacity as mayor.
 - c. All conference travel arrangements will be booked and initially paid for by the mayor's respective area municipality.
 - d. On completion of travel, the area municipality finance department may invoice the Regional finance department for the conference expenses. Receipts must be attached and should show that the mayor attended as a Regional Councillor.
11. The Regional Municipality of Waterloo will not reimburse the following expenses:
 - a. any pre and post conference social/recreational tours and/or events
 - b. companion programs for accompanying family members/companions
 - c. travel, meals and/or accommodation expenses for accompanying family members/companions
 - d. for area mayors attending conferences in their capacity as mayor
 - e. any other items of a personal or discretionary nature

- f. travel booked using aero plan miles or reward points accumulated on personal credit cards.
- 12. Where an interpretation of the policy is required, a request may be made to the Regional Chair in consultation with the Chief Financial Officer.
- 13. Requests for changes to this policy may be submitted for review by the Audit Committee prior to going to Council for consideration.

Appendix D - Reimbursement for Municipal Conflict of Interest Act Legal Opinion Expenses Policy

 Region of Waterloo	COUNCIL/LEGISLATED POLICY		Section # 7	Policy # 09
			Approval Date: May 16, 2012	Revision Date: March 6, 2013
Title:	REIMBURSEMENT FOR MUNICIPAL CONFLICT OF INTEREST ACT LEGAL OPINION EXPENSES			
Responsibility:	Council	Approval Level:	Council	
Applies to:	Council			

POLICY STATEMENT:

The Region of Waterloo may reimburse individual councillors for expenses incurred to obtain legal opinions regarding his/her respective compliance with the *Municipal Conflict of Interest Act* or legal fees incurred in connection with a Court application by a Councillor to obtain a proactive ruling on compliance with the *Municipal Conflict of Interest Act* in connection with any matter(s) before Regional Council, subject to the terms and conditions set out in the Operating Principles.

OPERATING PRINCIPLES:

- The councillor seeking reimbursement shall submit a written request to the Chief Administrative Officer providing the following information: (a) a description of the matter that is to be considered by Regional Council; and (b) a description of the potential pecuniary interest of the councillor that is of concern to the councillor.
- The Chief Administrative Officer, in consultation with the Regional Solicitor, shall as soon as reasonably practicable, review the request, determine eligibility of the request under this Policy and advise the councillor of such determination.
- In order to be eligible for reimbursement, the request must:
 - (a) pertain to legal expenses incurred to obtain a legal opinion or legal fees incurred in connection with a Court application by a Councillor to obtain a proactive ruling on compliance with the *Municipal Conflict of Interest Act* on or after the date that this policy comes into force;
 - (b) be limited to one request per councillor per calendar year;
 - (c) not exceed \$5,000 in reimbursement in any one instance; and
 - (d) pertain to a matter that is or will be imminently before Regional Council.
- Subject to meeting the eligibility requirements of this Policy and upon submission of a copy of the statement of account of the councillor's solicitor together with a written statement by the solicitor confirming that the fees set out in the statement of account were incurred in connection with a legal opinion regarding the councillor's compliance with the

Municipal Conflict of Interest Act or legal fees incurred in connection with a Court application by a Councillor to obtain a proactive ruling on compliance with the *Municipal Conflict of Interest Act* concerning a matter that is or will be imminently before Regional Council, reimbursement of the lesser of the actual amount of legal fees on the statement of account or \$5,000 shall be provided to the councillor.

- Any reimbursements provided pursuant to this Policy shall be included and detailed in the annual statement of Council remuneration and expenses prepared by the Chief Financial Officer.

RESPONSIBILITIES:

Council is responsible for adhering to the parameters of this policy and for ensuring appropriate application of delegated authority.

REVIEW PERIOD:

This policy shall be reviewed once per Council term. Funding will be considered on an annual basis as part of budget deliberations.

MONITORING/CONTRAVENTIONS:

The Regional Clerk shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of a complaint and/or concern, the Regional Clerk shall notify Regional Council and the Chief Administrative Officer.

SEE ALSO:

Municipal Conflict of Interest Act, as amended
Municipal Act, 2001, as amended

Appendix E - Council Requests for Information, Reports and Enquiries Policy

 COUNCIL/LEGISLATED POLICY	Section #	Policy #
	7	03
	Approval Date: July 7, 2004	Revision Date:
Title:	COUNCIL REQUESTS FOR INFORMATION, REPORTS AND ENQUIRIES	
Responsibility:	C&AS/Corporate Resources	Approval Level: Council
Applies to:	All Staff and Councillors	

POLICY STATEMENT:

This policy shall apply to all requests for information, reports or enquiries raised by a member of Council during a Council meeting or a Standing Committee of Council.

OPERATING PRINCIPLES:

The following shall apply to all requests for information, reports or enquiries raised by a member of Council:

- a) Requests for information or reports from an individual member of Council shall not interfere with the ongoing administrative priorities, unless directed by Council.
- b) Requests for information, presentation or reports from an outside agency, board, corporation or other government authority shall be directed by Council.
- c) If a request for information, report or enquiry is currently being reviewed by staff, a new request is not required. The requester, Chair of the meeting, CAO or appropriate Commissioner however can ask the Clerk of the meeting to add the item to the appropriate tracking list.

OPERATING DETAILS/ PROCEDURES:

Procedures have been established on how requests for information, reports or enquiries will be handled.

Requests that do not exceed 2 hours of staff time: Any request that will not exceed two (2) hours of staff time shall be immediately assigned to the appropriate Commissioner/Department or Chief Administrative Officer (CAO) for a response directly back to the individual Councillor. The Clerk of the meeting shall record the request in the minutes only. If the Chair of the meeting believes there is sufficient interest, the

Chair can request that the response be forwarded back to Committee/Council and have the item added to the appropriate tracking list.

Requests that exceed 2 hours of staff time but not more than 7 hours: Any request likely to exceed two (2) hours of staff time, but not more than seven (7) hours, shall be referred to the appropriate Commissioner or CAO for proper scheduling and a response. The Chair of the meeting shall ensure that there is sufficient interest from the Committee/Council before the task is assigned. If there is concern about the level of interest, the Chair of the meeting may ask for the Committee's/Council's approval of the request. The Clerk of the meeting shall record the request in the minutes and on a tracking list. The assigned Commissioner or CAO shall update Committee/Council by completing the "anticipate response date" information on the tracking list by the next Committee/Council meeting. A special report is not required to provide this update. The response to the request shall be returned to the appropriate Standing Committee or Council and shall be listed on the agenda. If upon investigation of the request it is determined that the amount of staff time required will exceed seven (7) hours the matter shall be immediately returned to the appropriate Committee or Council for approval in accordance with Section 26, Enquiries and Answers, of the Council Procedural By-law.

Requests that exceed 7 hours of staff time: Any request likely to exceed seven (7) hours of staff time in total must be authorized by Council in accordance with Section 26, Enquiries and Answers, of the Council Procedural By-law. The Clerk of the meeting shall record the request in the minutes and on a tracking list. The CAO shall update Council under section 26 (3) of the procedural by-law, by completing the "anticipated response date" information on the tracking list by the next Council meeting. A special report is not required to provide this update.

SEE ALSO:

Section 2 (definitions) and 26 (Enquiries and Answers), Council Procedural By-law 00-031, as amended

Excerpts from the Region's Procedural By-law

2. DEFINITIONS

(35) "Special Enquiry" includes a request for detailed – investigative, statistical or technical information, study or report, where the amount of staff time required to complete the request exceeds 7 hours

26. ENQUIRIES AND ANSWERS

- 1) Any request for a special enquiry will:
 - a. Be in writing,
 - b. Be signed by the member of Council requesting the special enquiry,

- c. Be received by the Clerk no later than noon of the Wednesday preceding the next regular meeting of Council,
 - d. Be printed in full in the Agenda for that meeting,
- 2) A special enquiry shall only proceed if approved by a majority of Council members at the meeting.
- 3) Upon approval, the request will be forwarded to the Chief Administrative Officer for review and department assignment. The Chief Administrative Officer will report back to Council at its next regular meeting on the department assignment and anticipated return date of the special enquiry.
- 4) The Chief Administrative Officer or the assigned department will respond to the enquiry, subject to any limitations on disclosure by the Municipal Freedom of Information and Protection of Privacy Act.
- 5) Should the request involve extraordinary staff research time and production costs, Council or the Committee will be advised.
- 6) The response to the special enquiry will be distributed to all members of Council or the Committee at which the enquiry was made.

Appendix F - Guidelines for Use of Corporate Resources for Election Purposes

 COUNCIL/LEGISLATED POLICY		Section #	Policy #
		7	02
		Approval Date: September 17, 2003	Revision Date: May 16, 2012
Title:	GUIDELINES FOR USE OF CORPORATE RESOURCES FOR ELECTION PURPOSES		
Responsibility:	C&AS	Approval Level:	Council
Applies to:	Regional Councillors		

POLICY STATEMENT:

Members of Regional Council who are running for office for any level of government – Federal, Provincial, Regional, Municipal, School Board – or who are supporting a candidate for office, may not use the following Regional corporate resources, for any election related purposes, activities and/or materials:

- the Coat of Arms, Corporate Seal and/or Corporate Logo
- Regional staff
- Regional property, facilities, equipment
- Regional funds
- any photos or videos produced by Regional staff, including electronic images/videos
- Regional mail room and services
- Regional information technology systems including but not limited to all computer and telephone networks and applications, including voice-mail, e-mail, internet, and intranet.
- any mailing lists/data files produced by Regional staff
- any Information, Reports, Presentations gathered/prepared by Regional staff for a Member of Council as requested by that Member in their official capacity as a Member of Regional Council.

This would not preclude any candidate for office, including incumbent Regional Councillors, from accessing and/or using information including reports, pictures, etc, that have been published and are in the public domain and not subject to copyright protection.

OPERATING PRINCIPLES:

For clarification, election related activities and/or materials are defined as including but not limited to:

- Events
- Canvassing
- Fundraising
- Media Relations

- Public Meetings
- Research
- Brochures
- Posters
- TV and radio commercials
- Newspaper ads
- Websites
- Stationary
- Campaign signs
- Buttons
- Mail outs

In support of any candidate for any election campaign.

Notices, posters, brochures and other election materials in support of any candidate are not to be created, displayed or distributed by Members of Regional Council and /or Regional employees and/or any member of the general public on Regional worksites or on Regional property.

Websites or domain names that are funded by the Region of Waterloo may not include any election-related campaign materials that support or oppose the candidacy of a specific individual.

The municipal election information that is prepared, posted and maintained by the Regional Clerk through Council & Administrative Services is excluded from this prohibition.

Members of Regional Council are responsible to ensure that the content of any communications material they distribute in their official capacity as a Member of Regional Council and using the resources and staff of the Regional Municipality of Waterloo - including email and printed materials such as official correspondence – is not election related in any way.

SEE ALSO:

[Candidacy for Political Office \(HR Policy I-02\)](#)

[Code of Ethics and Conflict of Interest \(HR Policy I-08\)](#)

Appendix G – Council-Staff Relations Policy

 Council/Legislated Policy		Section #	Policy #
		7	12
		Approval Date:	Revision Date:
Title:	Council-Staff Relations Policy		
Responsibility:	Council and Administrative Services	Approval Level:	Council
Applies to:	All Members of Council and All Employees		

Policy Statement:

The Region of Waterloo will promote a respectful, tolerant and harassment-free relationship and workplace between Members of Council and the officers and employees of the Region, guided by the Code of Conduct for Members of Council, the Employee Code of Ethics and Conflict of Interest Policy, the Workplace Violence Prevention Policy, the Workplace Harassment Prevention Policy and the Procedural By-law.

Purpose

This policy provides guidance on how the Region of Waterloo ensures a respectful, tolerant and harassment-free relationship and workplace between Members of Council and the officers and employees of the Region.

Operating Details:

The relationship between Members of Council and the officers and employees of the Region is guided by the following:

1. Code of Conduct for Members of Council

The Code of Conduct for Members of Council establishes the ethical behaviour expected of Members of Council

Section 20 of the Code of Conduct for Members of Council titled Conduct Regarding Staff states:

- Members shall be respectful of the fact that staff work for the municipality as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual Member or group of Members.
- Direction to staff may only be given by Standing Committee or by Regional Council and no Member shall attempt to direct staff.
- No Member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all Members shall show respect for the professional capacities of the staff of the Region.
- Certain employees are employed within the administration of justice. Members shall refrain from making requests or statements or taking actions which may be construed as an attempt to influence the independent administration of justice.
- Requests from Members for action from staff will be addressed in accordance with the Council Requests for Information, Reports and Enquiries Policy and the Region's Procedural By-law.

Section 21 of the Code of Conduct for Members of Council titled Harassment/Bullying states:

- Harassment of another Member, Staff or any member of the public is prohibited under the Ontario Human Rights Code. Harassment, whether it occurs inside or outside the workplace, or whether it is related to the work environment or other activities of a Member, is inappropriate behaviour for the purpose of this Code.
- Members will not engage in workplace harassment, discrimination, or violence as defined by the Ontario Human Rights Code and the Ontario Occupational Health and Safety Act when dealing with other Members, Staff, volunteers or members of the public.

2. Employee Code of Ethics and Conflict of Interest Policy

The Employee Code of Ethics and Conflict of Interest Policy states:

- Employees of the Regional Municipality of Waterloo are required to carry out their duties on an impartial and objective basis, such that the public has confidence in their integrity and their dedication to the Region's best interests. Impropriety or bias must be avoided.

3. Workplace Violence Prevention Policy

The Workplace Violence Prevention Policy states

- The Region of Waterloo is committed to providing a safe and hospitable work environment for its employees and for those it serves by establishing a workplace violence prevention program. Workplace violence in any form will not be tolerated and reasonable steps will be taken to prevent workplace violence from all possible sources such as employees, customers, clients, supervisors, workers, strangers and domestic/intimate relationships.

4. Workplace Harassment Prevention Policy

The Workplace Harassment Prevention states:

- The Regional Municipality of Waterloo is committed to taking all reasonable steps to create and maintain a fair and equitable work environment that is free of unlawful discrimination and workplace harassment. All employees of the Region must treat one another with respect and professionalism and refrain from engaging in unlawful discrimination and workplace harassment contrary to the *Ontario Human Rights Code* and the *Occupational Health and Safety Act*. The management in each department is responsible for taking steps to prevent unlawful discrimination and workplace harassment and for stopping it if it does occur. This includes unlawful discrimination and workplace harassment from all possible sources such as employees, customers, clients, supervisors, workers, strangers, and domestic/intimate relationships.

5. The Procedural By-law

Section 29. of the Procedural By-law 00-031, as amended, titled "Conduct of Members in Council" states:

- No member will:
 - a) Speak disrespectfully of the Reigning Sovereign, or of any member of the Royal family, or of the Governor General or the Lieutenant-Governor of any province;
 - b) Use offensive words or unparliamentary language during Council or Committee Sessions against the Council or staff;
 - c) Speak on any subject other than the subject in debate;
 - d) Speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status, physical appearance or disability;

- e) Interrupt any speech or action of other members of Council, or any other person addressing Council;
- f) Speak or act disrespectfully towards any member of Council or the audience, and
- g) Disobey the Rules of Procedure or a decision of the Regional Chair or of the Council on questions of order or practice or upon the interpretation of the Rules of Procedure. In the case where a member persists in any such disobedience after having been called to order by the Regional Chair, the Regional Chair may immediately put the question, no amendment, adjournment or debate being allowed, "that such member be ordered to leave their seat for the duration of the meeting of the Council", but if the member apologizes they may, by a majority vote of the members present, be permitted to retake their seat.

Responsibilities

Members of Council and Employees are required to adhere to this policy and its governing provisions, including the Code of Conduct for Members of Council, the Employee Code of Ethics and Conflict of Interest Policy, the Workplace Violence Prevention Policy, the Workplace Harassment Prevention Policy and the Procedure By-law.

Procedures:

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

1. In the case of employees, the Manager, Director, or Commissioner responsible for the employee and the Commissioner, Human Resources; or
2. In the case of Council, the Integrity Commissioner.

Where there is a discrepancy between the Council-Staff Relations Policy and the Code of Conduct for Members of Council or the Employee Code of Ethics and Conflict of Interest Policy, the language of the Code prevails.

Legislative and Administrative Authorities

Section 270 of the Municipal Act, 2001, as amended, requires Regional Council to adopt and maintain a policy with respect to the relationship between Members of Council and the officers and employees of the Region. The Council-Staff Relations Policy identifies the legislation, policies, procedures and practices that the Region complies with in order to promote a

respectful relationship between Members of Council and the officers and employees of the Region of Waterloo.

See Also:

Code of Conduct for Members of Council

Code of Ethics and Conflict of Interest

Workplace Violence Prevention

Workplace Harassment Prevention Policy

Procedural By-law