

Four Counties Transportation Services Committee Agenda

January 16, 2023, 8:30 a.m.

Electronic Participation Meeting via Zoom

This meeting will be held electronically via Zoom and posted at www.westelgin.net (pending any technical difficulties). Please contact the Clerk's Department if you require an alternate format or accessible communication support or wish to receive the link to this meeting at 519-785-0560 or by email at clerk@westelgin.net.

Pages

1. **Call to Order**

2. **Election of Chair and Vice Chair**

3. **Adoption of Agenda**

Recommendation:

That the Four Counties Transportation Services Committee adopt the agenda as presented.

4. **Disclosure of Pecuniary Interest**

5. **Adoption of the Minutes**

1

Recommendation:

That Four Counties Transportation Committee hereby approves the minutes of December 15, 2022 as circulated and printed.

6. **Committee Orientation**

4

Staff will provide an overview of the duties of a Committee and a reminder of statutory duties.

7. **Financial Information**

7.1 2022 Transit Statistics **43**

Recommendation:

That the Four Counties Transportation Committee hereby receives the 2022 Transit Statistics.

7.2 2022 Financials **44**

Recommendation:

That the Four Counties Transportation Committee hereby receives the Financials as of December 31, 2022.

7.3 Transit Rates **45**

Recommendation:

That the Four Counties Transportation Committee hereby approves the 2023 Four Counties Transit Rates as presented.

7.4 2023 Transit Proposed Budget **46**

Recommendation:

That the Four Counties Transportation Committee hereby approves the 2023 Budget as presented.

8. New Business

8.1 Outstanding Items for Committee Discussion **48**

Recommendation:

That Four Counties Transportation Committee hereby receives the report from Jana Nethercott re: Outstanding Items for discussion.

8.2 2023 Meeting Dates

Recommendation:

That the Four Counties Transportation Committee hereby approves the following meeting dates for 2023:

March 20

May 15

August 28

November 20

9. Adjournment

Recommendation:

That the Four Counties Transportation Services Committee hereby adjourn at ____ a.m. to meet again at 8:30 a.m. on March 20, 2023 or at the call of the chair.

Four Counties Transportation Services Committee

Minutes

**December 15, 2022, 8:30 a.m.
Electronic Participation Meeting via Zoom**

Present: John Wright, Chatham-Kent
Duncan McPhail, West Elgin
Lorie Arends, Adult Day Program
Mark McGill, Southwest Middlesex
Michelle Navackas, West Elgin
Don McCallum, Southwest Middlesex

Regrets: Shelley Vergeer, WECHC
Ann-Marie Millson, Chatham-Kent

Staff Present: Magda Badura, CAO/Treasurer
Brittany Jessome, Recording Secretary

Also Present: Michelle Johnston
Bettyjo Drent

1. Call to Order

Duncan, McPhail, Chair called the meeting to order at 8:41 a.m.

2. Adoption of Agenda

Moved: Mark McGill

Seconded: Lorie Arends

That the Four Counties Transportation Services Committee adopt the agenda as presented.

Carried

3. Disclosure of Pecuniary Interest

No disclosures

4. Minutes

Moved: Lorie Arends

Seconded: Michelle Navackas

That Four Counties Transportation Services Committee hereby approve the Minutes of December 12, 2022 as amended, to correctly state in Item 5, Paragraph 3, "... at which time the decision will need to be presented to the Municipality of West Elgin's Council for a vote."

Carried

5. Requote

Moved: John Wright

Seconded: Michelle Navackas

That Four Counties Transportation Committee recommends to West Elgin Council to approve the 2024 model year chassis Transit bus at a cost of \$135,900.00 plus applicable taxes.

Carried

6. Adjournment

Moved: Michelle Navackas

Seconded: Lorie Arends

That the Four Counties Transportation Services Committee hereby adjourn at 8:51 a.m. to meet again at the call of the chair.

Carried

Duncan McPhail, Chair

Brittany Jessome, Recording
Secretary



Committee & Board Orientation Manual 2023

Committee Meetings

The Committee meetings shall be conducted in accordance with Council's current Procedural By-law regarding Committee Meetings, and Robert's Rules of Order.

The meetings shall be held in public. Closed sessions shall comply with the Municipal Act, Section 239.

Definition of a Meeting

The Municipal Act provides that a meeting means any regular, special or other meeting of council, a local board or of a committee of either of them where, a quorum of members is present and members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of council, local board or committee.

Procedural By-Law

Municipality of West Elgin Procedural By-Law (2018-43), as amended Section 14 states:

14. Committees

14.1. Procedure:

A committee shall conform to the rules governing protocol and procedures for Council meetings, unless otherwise noted herein.

All committees shall be bound by Closed Session provisions set out in this by-law.

14.2. Establishment-Appointment:

14.2.1. Council may establish Council Committees to help support it's work. Council shall set the mandate for each Council Committee by resolution or by-law.

14.2.2. The names of Members required to serve on the Council Committees, Boards, Commissions or other bodies to which Council is required or empowered to appoint persons, shall be determined by Council.

14.2.3. Council may appoint Members to any Local Boards or Council Committees to act in the place of any Members thereof who, by reason of illness or absence from the Municipality, are unable to

attend the meetings of the Council Committees or who resign before their terms of office have expired.

14.3. Local Boards:

Council shall appoint members to Local Boards as requires by statute.
Members are appointed to Local Boards by Council by by-law or resolution.

14.4. Standing Committees:

Standing Committees of Council are committees that consist of at least 50% of the membership consisting of Members of Council, which are appointed by Council by by-law.

14.5. Council Advisory Committees:

The duties of Advisory Committees created by Council shall be to report and to make recommendations to Council on all matters relating to their terms of reference or that have been referred to them. Advisory Committees shall generally have one representative appointed from Council.

14.6. Special Purpose Committees:

The duties of Special Purpose Committees, appointed by Council By-Law or Resolution, shall report to Council on any matters relating to their terms of reference or that have been referred to them.

14.7. Mayor-Ex-officio:

The Mayor is an ex-officio Member of every Council Committee.

The Mayor may vote and otherwise participate without any restriction in the business of the Committee on the same basis as any other Committee Member, but shall not be counted in quorum for the Committee.

14.8. Terms of Reference:

Subject to the provision of any general or special Act, the Council, in establishing any Council Committee, shall set forth terms of reference and such other provisions as the Council deems proper.

Council may consider any matter without referring it to a Council Committee or may refer it to one or more committees or refer it to the Committee-of-the-Whole Meeting, and may withdraw a matter from a Council Committee whether or not the Council Committee has entered into consideration.

14.9. Quorum:

A majority of the Members of a Council Committee shall be a quorum.

14.10. Committee Chair:

Annually, each Committee at its first meeting shall appoint a Committee Chair and Committee Vice-Chair from among its Members, unless otherwise specified in the Council Committee's Terms of Reference. Each Committee shall have the authority to alter the time of its meetings and to hold special meetings. Notice of Council Committee meetings shall be given by the Clerk in accordance with this by-law.

14.11. Attendance:

Members of Council may attend meetings of any Advisory Committee of which they are not Members, but shall not have the privilege of voting and may not address the Committee without the permission of the Chair.

14.12. Minutes:

The Minutes of all Council Committees shall be recorded according to the process set out in this by-law, and forwarded to Council to be received as information. The Clerk, Deputy Clerk or a person delegated by the Clerk in writing shall be the recording secretary for all Standing Committees of Council.

18. Disclosures of Pecuniary Interest and General Nature Thereof

Members shall be required to comply with and disclose as required by the Conflict of Interest Act.

Closed Meetings

The Municipal Act, 2001 include provisions related to the transparency and accountability of council as well as local boards and committees, including the conduct of meetings. A key transparency rule is the requirement of most municipal meetings to be open to the public. There are limited exceptions where a closed meeting can be held.

A meeting or part of a meeting may be closed to the public is the subject matter being considered is:

- The security of the property of the municipality or local board
- Personal matters about an identifiable individual, including municipal or local board employees
- A proposed or pending acquisition or disposition of land by the municipality or local board
- Labour relations or employee negotiations
- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board
- Advice subject to solicitor-client privilege, including communications necessary for that purpose
- A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act
- Information explicitly supplied in confidence to the municipality, or local board by Canada, a province or territory or a Crown agency of any of them
- A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value
- A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Conflict Of Interest

A conflict of interest may arise for Committee members when their personal business interests clash with the duties and decisions of the Committee. Municipal conflict of interest requirements as defined by the Municipal Conflict of Interest Act will apply to the Committee. At every meeting held by the Committee, the Chair shall call for the disclosure of any pecuniary interests

Municipal Conflict of Interest Act

Yes it applies to members of Committees and Boards!

The Municipal Conflict of Interest Act (MCIA) defines a member as member of a council or a local board, this means that even though you are not a member of Council, as a member of a committee of Council you must adhere to the Municipal Conflict of Interest Act. This act sets out ethical rules for members of council and local boards if they have certain pecuniary (financial) interests in a matter that is before their council or local board at a meeting. For example, a member may have to take steps if they are present at a council or local board meeting where the member's land will be discussed.

A member with a pecuniary (financial) interest is required – with certain exceptions – to:

- Disclose the interest and its general nature before the matter is considered at the meeting
- Not to take part in the discussion or voting on any question in respect of the matter
- Not attempt to influence the voting, before, during or after the meeting
- Immediately leave the meeting, if the meeting is closed to the public

The Municipal Conflict of Interest Act will generally prohibit members of a council or local board from using their office to attempt to influence decisions or recommendations being considered by municipal or local board employees (or by persons with authority delegated from council), if the member has a pecuniary interest in the matter could not, in most instances, try to influence a decision or recommendation of a municipal employee who is considering the matter. A member who discloses a pecuniary interest at a meeting will be required to file a written statement of their interest, either at the meeting or as soon as possible afterwards.

Municipalities and local boards are required to establish and maintain a registry of statements and declarations of interests of members and make it available for public inspection.

Code of Conduct

All members of Local Boards and Committees for the Municipality of West Elgin are required to adhere to either the Code of Conduct for their Municipality (if an elected official of another Municipality or Employee of another Municipality) or the Municipality of West Elgin Code of Conduct for Council and Local Boards.

The West Elgin Code of Conduct for Council and Local Boards is attached for Reference.

Appointing Chair & Vice Chair for Committees and Boards

Tip: Have pieces of paper ready for ballots and a box to collect them in case an election is required.

The Recording Secretary shall conduct election by appointing a scrutineer, handing out “ballots”, receiving them in the box, then counting and announcing results. Ties shall be addressed by lot – that is, the Recording Secretary shall draw a name from the box to determine the winner.

Chair:

Call the meeting to order – or- if no Chair or Vice Chair then Recording Secretary shall proceed.

Recording Secretary:

Call meeting to order in the absence of Chair or Vice Chair.

Review procedure for the members – not that you will call for nominations from the floor as 1st, 2nd and 3rd and final time – first for position of Chair, then for position of Vice Chair. Note there will be an election if more than one (1) nomination, if only one (1) nomination then that person shall be declared Chair or Vice Chair for the term set out in Terms of Reference – one year unless otherwise stated.

Recording Secretary:

I will now call for the first time nominations from the floor for the position of Chair

I will now call for the second time nominations from the floor for the position of Chair.

I will now call for the third and final time for nominations from the floor for the position of Chair.

Read out a list of all nominees, conduct and election if more than one (1) nomination for the position.

I hereby declare that _____ is the Chair of the _____
Committee/Board for _____ (year or term).

Vice Chair – same process.

Sample Motion

The _____ (Committee Name) hereby recommends to West Elgin Council that
_____ be adopted

Municipality of West Elgin

Schedule “A” to By-Law #2020-64

Policy #2020-08 Advisory Committee Policy

Effective Date: September 24, 2020

Review Date:

Policy Statement

This policy establishes the various expectations and protocols for the Advisory Committees of the Municipality of West Elgin.

Policy

Role of an Advisory Committee

The role of an Advisory Committee is to provide recommendations, advise and information to Municipal Council on specialized matters which relate to the purpose of the Advisory Committee, to facilitate public input into Municipal Council on programs, provide ideas and to assist in enhancing the quality of life for the community of West Elgin.

Appointments to Advisory Committees

Appointments to Advisory Committees shall be at the pleasure of Municipal Council. All appointees must be a resident of West Elgin.

Process:

At the start of each Council term, the Clerk shall contact all members of Advisory Committees, who are eligible to continue to serve, in writing to gauge their interest in continuing on the Advisory Committee, these expressions of interest shall be presented to Council during the Committee Appointments meeting.

Any vacancies shall be advertised for two (2) consecutive weeks in the local newspaper, website and social media, prior to the Committee Appointments meeting. All interested residents shall fill out the application form (attached to this policy, by the established deadline. Council shall review all applications in camera and make appointments by By-law. Mid-term vacancies appointments shall follow the same process, with appointment by resolution of Council.

Any member of an Advisory Committee who wishes to resign their appointment may do so by submitting notice in writing to the Clerk. Resignation shall be effective upon receipt of the letter by the Clerk.

Term of Appointment

Appointments to Advisory Committees shall be for the term of Council – four (4) years. Each member may be appointed for a maximum of two (2) consecutive terms. A member may be re-appointed after not serving for one (1) term.

No resident shall sit on more than one (1) Advisory Committee at one time.

Only one (1) immediate family member may sit on any one Advisory Committee at one time. “Immediate family” is defined as: spouse, common-law spouse, common-law spouse’s child, mother, father, brother, sister, child, grandchild, step-mother, step-father, son-in-law, daughter-in-law, brother-in-law, sister-in-law, mother-in-law, common-law spouse’s mother, father-in-law, common-law spouse’s father.

Remuneration

Advisory Committee members shall serve without remuneration.

Attendance

Advisory Committee members are expected to attend all meetings. Members shall be deemed to have resigned their appointment if they miss three (3) consecutive meetings or 25% of the meetings in one calendar year.

The Clerk shall send written notice to any member who has reached the absence threshold and invite the member to provide written explanation, with the understanding that this will be reviewed by the Chair and Clerk. The Chair and Clerk shall make a recommendation to Council with regards to the members appointment. Council shall make the final decision on absence issues.

Agendas & Minutes

The Clerk or designate shall, in consultation with the Chair notify all members of upcoming meetings as per The Municipality of West Elgin Council Procedure By-law.

The Clerk or designate shall, in consultation with the Chair prepare all Agendas and distribute according to The Municipality of West Elgin Council Procedure By-law.

The Clerk or designate shall record the minutes of all Advisory Committee Meetings.

Code of Conduct

Advisory Committee Members shall adhere to the West Elgin Committee and Council Code of Conduct, and in accordance with the provisions of other applicable Acts and Regulations.

Responsibilities

The Clerk shall ensure this policy is followed

Schedule “A” to By-Law #2018-30



MUNICIPALITY OF
West Elgin

Code Of Conduct

For Members Of Council
And
Local Boards
For The
Corporation Of
The Municipality of West Elgin

**Code Of Conduct For Members Of Council For
The Corporation Of The Municipality of West Elgin**

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Part 1: Preamble

Members have important obligations and responsibilities to those they represent service and interact with in connection with carrying out the roles and duties attending a Member's office.

The purpose and intent of this Code of Conduct is as follows:

- (i) To establish guidelines for ethical conduct required of Members;
- (ii) To establish guidelines to encourage and ensure interpersonal conduct, communications and interactions consistent with legal requirements (i.e. *Occupational Health and Safety Act, Ontario Human Rights Code*); and
- (iii) To provide mechanisms to ensure accountability and compliance with the required ethical and interpersonal conduct standards of this Code of Conduct.

Part 2: Definitions

- 2.1 "Censure" means an official expression of disapproval or condemnation.
- 2.2 "Clerk" shall mean an Employee authorized to act as the Clerk of the Municipality.
- 2.3 "Closed Meeting" shall mean a meeting or part of a meeting of Council not open to the public in accordance with the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended.
- 2.4 "Committee" shall mean a Committee established by Council.
- 2.5 "Complaint" shall mean an alleged violation of this Code.
- 2.6 "Confidential Information" includes information in the possession of the Municipal that the Municipal is prohibited from disclosing under the *Municipal Freedom of Information and Protection of Privacy Act*, the *Personal Health Information Protection Act, 2004* and other applicable legislation. Confidential Information also means any information that is of a personal nature to Municipal employees or clients or information that is not available to the public and that, if disclosed, could result in loss or damage to the Municipal or could give the person to whom it is disclosed an advantage. Confidential Information includes items disclosed or discussed at closed sessions of Council and Committee meetings.
- 2.7 "Council" shall mean the elected officials who constitute municipal council for the Corporation of the Municipality of West Elgin.

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- 2.8 "Employee" shall mean a person employed by the Municipality of West Elgin, including those employed on personal service contracts and volunteers, but does not include members of Council.
- 2.9 "Gift" includes any cash or monetary equivalent fee, object of value, service, forbearance, preferential treatment or personal benefit received from a third party.
- 2.10 "Good Faith" shall mean accordance with standards of honesty, trust and sincerity as practiced and understood within the West Elgin community.
- 2.11 "Integrity Commissioner" shall mean a person appointed by Council to provide independent and consistent complaint investigation and resolution respecting the application of the Code of Conduct, and as defined by Municipality of West Elgin By-Law #2018-28.
- 2.12 "Immediate Relative" shall mean a parent, child, sister, brother, sister-in-law, brother-in-law, father-in-law, mother-in-law, as well as step-relationships.
- 2.13 "Lobby" or "lobby" shall mean to communicate with a member outside of a public process about matters of interest or benefit to the lobbyist and their client business organization. Communication may be about a bylaw or resolution on any matter that requires a decision by Council, a local board, or delegated decision-maker and includes matters regarding policies or programs, the purchase of goods and services and the awarding of contracts, applications for a service grant, planning approval, or other licence.
- 2.14 "Media" includes any entity such as radio, television, newspaper, magazine, websites, blogs, social media, twitter feeds or other vehicles for the public dissemination of information.
- 2.15 "Member" means any member of Council, and includes the Mayor and any member of the public appointed to a committee or advisory board.
- 2.16 "Meeting" shall mean any regular, special or other meeting of Council.
- 2.17 "Pecuniary Interest" shall mean an interest that has a direct or indirect financial impact or as defined under the *Municipal Conflict of Interest Act*, as amended.
- 2.18 "Spouse" shall mean the person to whom a Member is married or with whom the Member is living in a conjugal relationship.

Part 3: Application

- 3.1 This Code of Conduct applies to the Mayor, the Deputy Mayor and all Members of Council and members of the public appointed to committees and advisory boards.

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Part 4: Purpose

- 4.1 A Member's conduct and behavior in terms of ethics and interpersonal conduct and communications are regulated by legislative acts including but not limited to:
- a) *Criminal Code of Canada*;
 - b) *Human Rights Code*;
 - c) *Municipal Act, 2001*;
 - d) *Municipal Conflict of Interest Act*;
 - e) *Municipal Freedom of Information and Protection of Privacy Act*;
 - f) *Municipal Elections Act, 1996*;
 - g) *Personal Health Information Protection Act, 2004*;
 - h) *The Public Inquiry Act*; and,
 - i) *The Occupational Health and Safety Act*.

Part 5: General Duties

- 5.1 It shall be the duty of all Members to abide by all applicable legislation, policies and procedures pertaining to their position as a Member.
- 5.2 Members shall at all times serve and be seen to serve their constituents in a conscientious and diligent manner.
- 5.3 Members will conduct their dealings with each other in ways that maintain public confidence in the position to which they have been elected or appointed. Members will be open and honest, focus on issues rather than personalities, and avoid aggressive, offensive or abusive conduct.
- 5.4 Members shall accurately and adequately communicate the attitudes and decisions of the Council even if they disagree with Council's decision, such that respect for the decision making processes of Council is fostered.
- 5.5 Members shall conduct themselves at all Council and Committee Meetings with decorum, in accordance with the Municipality of West Elgin's Procedural By-Law.
- 5.6 In accordance with the *Municipal Act, 2001* as amended and the *Municipal Conflict of Interest Act*, as amended, every Member shall exercise his or her power and discharge his or her official duties in accordance with the following guiding principles:
- a) Seek to advance the common good of the Municipality of West Elgin;
 - b) Exercise care, diligence and skill that a reasonably prudent person would exercise in similar circumstances;

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- c) Exercise his or her powers only for the purposes for which they were intended; and,
- d) Truly, faithfully and impartially exercise his or her office to the best of his or her knowledge and ability.

Part 6: Conflict Of Interest

- 6.1 Members have strict obligations to avoid conflicts of interest by taking the following steps whenever a member has a direct or indirect pecuniary interest in any matter that is before Council in a meeting where the member is present:
- (i) disclose the general nature of the member's interest prior to any consideration of the matter in the meeting;
 - (ii) refrain from participating in the discussion of the matter or in any vote on the matter; and,
 - (iii) refrain from attempting to influence the voting on the matter or question, before, during or after the meeting.
- 6.2 All members have important ethical and statutory obligations to adhere to the steps outlined above to ensure avoidance of any conflict of interest in connection with carrying out the obligations of the Member's office. Each Member must declare the conflict of interest and general nature thereof verbally at the beginning of each meeting and provide the Clerk with the signed declaration in accordance with *Appendix D* attached.
- 6.3 While the Integrity Commissioner may provide general interpretation of the Municipal Conflict of Interest Act (MCIA), it is expected that members seek independent legal advice on a specific question of individual compliance with the Act.
- 6.4 Members shall be responsible for ensuring that they are familiar with the *Municipal Conflict of Interest Act*. If, upon review by the Integrity Commissioner, a complaint is deemed to be a matter covered by the *Municipal Conflict of Interest Act*, the Integrity Commissioner shall advise the complainant, with an explanation, in writing, and an investigation may be conducted in accordance with powers and duties of integrity commissioner.

Part 7: Gifts And Participation At Events

- 7.1 No Member shall solicit or accept any gift or accept or receive a fee, advance, cash or personal benefit that is directly or indirectly connected with the performance of his or her duties of office. For the purposes of this provision any gift provided to a Member's child, parent or spouse with the Member's knowledge shall be deemed to be a gift accepted by that Member;

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- 7.2 The Municipality recognizes that moderate hospitality and participation in charitable non-profit fundraising and business events is an accepted facet of community participation and business relationships. Accordingly, the following types of gifts are recognized as exceptions to the prohibition in Section 7.1:
- a) gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibilities of office;
 - b) token gifts such as souvenirs, mementoes and commemorative gifts that are given in recognition of service on a committee for speaking at an event or representing the Municipal at an event;
 - c) food and beverages consumed at lunches dinners charity fundraisers banquets receptions ceremonies or similar events if the Member's attendance serves a legitimate municipal purpose;
 - d) communications to the offices of a Member including subscriptions to newspapers and periodicals;
 - e) compensation authorized by law;
 - f) political contributions that are offered accepted and reported in accordance with applicable law;
 - g) services provided without compensation by persons volunteering their time;
 - h) gifts of admission to dinner, charity fundraisers, banquets, receptions, ceremonies, cultural events, sporting events, business galas, political events and similar events if the Member's attendance serves a legitimate municipal purpose;
 - i) reasonable payment for participation in or organizing any reception, dinner, gala, golf tournament, or similar event to support charitable causes or a political fundraising event and food, lodging, transportation or entertainment from a not for profit non-government organization;
- 7.3 Within 30 days of receipt of any gift described in Section 7.2, Members shall file a disclosure statement in accordance with the format set forth in *Appendix A* attached with the Integrity Commissioner for any gift that exceeds \$200 in value. If the value of any gift described in Section 7.2 exceeds \$500 or if the total value of such gifts received from any one source during one calendar year exceeds \$1,000 the Member shall file a disclosure statement with the Integrity Commissioner within 30 days of the receipt of the gift. Every disclosure statement shall indicate: *Appendix A*.
- (i) the nature of the gift;
 - (ii) its source and date of receipt;
 - (iii) the circumstances under which it was received; and
 - (iv) its estimated value.
- 7.4 Every disclosure statement to the Integrity Commissioner and as anticipated in 7.3 above shall be a matter of public record.

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- 7.5 The Integrity Commissioner shall report to Council annually on all gifts received by Members that are disclosed in accordance with Section 7.2(j).
- 7.6 The Integrity Commissioner shall examine every disclosure statement filed with him or her to ascertain whether the receipt of the gift might in her or his opinion create a conflict between a private interest and the public duties of the Member.
- 7.7 If the Integrity Commissioner makes a preliminary determination of a conflict the Member shall be asked to justify receipt of the gift.
- 7.8 If the Integrity Commissioner determines that receipt of the gift was prohibited he or she shall report the findings to Council.

Part 8: Interaction With The Public, Other Members And Municipal Staff

- 8.1 Members have a duty to treat members of the public, each other and staff with respect and dignity and without abuse, bullying or intimidation;
- 8.2 Members have a duty to ensure that the Municipality's work environment is safe and free from discrimination and harassment;
- 8.3 Members are to recognize that Employees serve Council and work for the municipal corporation under the direction of the Chief Administrative Officer. Council directs Employees through its decisions as recorded in the minutes and resolutions of Council. The role of Employees is to provide advice and services that are based on political neutrality, objectivity and professional judgment which may not necessarily reflect the opinion or position of any single Member. Members have no individual capacity to direct Employees to perform specific functions.
- 8.4 Inquiries of Employees from Members should be directed to the Chief Administrative Officer or the appropriate Department Head.
- 8.5 No Member shall compel Employees to engage in partisan political activities or be subjected to threats, discipline or discrimination for refusing to engage in any such activity.
- 8.6 Members shall show respect for the professional capacities of Municipal Employees. Some Employees have professional credentials (examples: professional engineer, registered nurse) which create separate legal and ethical obligations for those Employees. Members shall refrain from any conduct which may deter, interfere or unduly influence Employees in such a manner as to result in them violating their professional legal or ethical obligations.

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- 8.7 Certain Employees hold positions within the administration of justice. Members shall refrain from making requests or statements or otherwise taking action which may be construed as an attempt to influence the independence of staff working within the administration of justice.

Part 9: Improper Use Of Influence

- 9.1 No Member shall use his or her office to seek to influence any decision made or to be made by Council to the Member's private advantage or to the advantage of another person.
- 9.2 No Member shall use his or her office to seek to influence or interfere with the administration or enforcement of the Municipality's regulatory By-Laws or other laws enforced by the Municipality. Notwithstanding the foregoing, it is recognized that Members of Council may in good faith raise the concerns of residents with Municipal Employees for the purpose of determining if those concerns can be resolved having due regard for the public interest in fair and impartial By-Law enforcement.
- 9.3 All applicants for municipal positions shall have an equal opportunity to obtain such employment. No Member shall use his or her office to seek to inappropriately influence the hiring of specific individuals for any position within the Municipality.
- 9.4 Nothing in this Section prohibits a Member from providing a reference for an applicant for any position within the Municipality, or offering his or her opinions and voting on any decision to hire a Chief Administrative Officer.
- 9.5 No Member shall support any cause or third party using the Municipality's corporate logo or the Municipal letterhead in any communication intended to solicit funds without a vote or resolution of West Elgin Council.

Part 10: Confidential Information

- 10.1 Members shall hold in strict confidence all Confidential Information concerning matters dealt with in-camera. No Member shall release, make public or in any way divulge any such Confidential Information or any aspect of the in-camera deliberations unless expressly authorized by Council or required By-law.
- 10.2 No Member shall release, make public or in any way divulge any such Confidential Information acquired by virtue of his or her office unless expressly authorized by Council or required By-Law. The capacity to release Confidential Information can only be made by a majority of Council, and no individual member of Council has authority to waive this privilege.

**Code Of Conduct For Members Of Council For
The Corporation Of The Municipality of West Elgin**

- 10.3 No Member shall use information gained in the execution of his or her office that is not available to the general public for any purpose other than his or her official duties.
- 10.4 No Member shall access or attempt to gain access to Confidential Information in the custody of the Municipality except to the extent necessary for the performance of his or her duties as a Member and not prohibited by this Code or any other statute, By-Law or policy.
- 10.5 Members are only entitled to Confidential Information in the possession of the Municipality that is relevant to matters before the Council or Committee. Beyond this entitlement, Members have the same level of access to information as does any other citizen.

Part 11: Communications And Media Relations

- 11.1 In order to foster respect for the decision making process of Council, Members shall fairly and accurately communicate the decisions of Council, even if they disagree with a majority decision of Council, and/or voted in the minority. Members may publicly express disagreement with a decision, but are to do so in a respectful manner.
- 11.2 In communications with the media, Members shall not indicate, implicitly or explicitly, that they speak on behalf of Council, unless they have been authorized to do so by Council.
- 11.3 Members shall refrain from making disparaging remarks about other Members, members of the public, Employees or Council's process and decisions.

Part 12: Municipal Election Campaigns

- 12.1 Members of Council are required to comply with the *Municipal Elections Act, 1996*.
- 12.2 No Member shall use Municipal property, including the Municipality's logo, for any election campaign or campaign related activities.
- 12.3 No Member shall undertake campaign related activities on Municipal owned lands, with the exception of the permissible use of campaign signs along road allowances, and in compliance with any local sign By-Laws, as applicable.
- 12.4 No Member shall use the services of Employees in work for his or her (re)election during hours in which those Employees are being paid by the Municipality. The participation of Municipal staff with respect to municipal elections is generally discouraged.

**Code Of Conduct For Members Of Council For
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Part 13: Conduct Of Former Members

- 13.1 The Municipality shall not hire or award any contract to any former Member for a period of 12 months from the date the former Member ceased to hold office except where the former Member is the successful bidder through a quote or tender consistent with appropriate Municipal policies.
- 13.2 A former Member may not Lobby the Municipality or any Member for a period of 12 months from the date the former Member ceased to hold office.

Part 14: Use Of Municipal Property

- 14.1 Members may only use Municipal property, including land, facilities, equipment, supplies, services, staff or other resources (for example, Municipal owned materials, computers, networks, websites) for activities directly connected with the discharge of their official Municipal duties or, as appropriate, local municipal duties.
- 14.2 Occasional or incidental personal use of Municipal computers, phones or similar devices and communication systems is acceptable, subject to the provisions of the *Municipal Elections Act*. Such use may also be subject to the *Municipal Freedom of Information and Protection of Privacy Act*.
- 14.3 No Member shall obtain financial gain from the use or sale of Municipally-developed intellectual property including inventions, cultural materials, computer programs, technical innovations, or other items capable of being patented, or copyrighted, as all such property remains exclusively that of the Municipality.

Part 15: Nepotism

- 15.1 No Member shall attempt to influence the hiring or promotion of a Spouse or Immediate Relative.
- 15.2 No Member shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate a Spouse or Immediate Relative.
- 15.3 If a Spouse or Immediate Relative of a Member is an applicant for employment with the Municipality or candidate for promotion or transfer, the Spouse or Immediate Relative will proceed through the usual selection process with no special consideration.
- 15.4 No Member shall place himself or herself in a position where he or she could have influence over their Spouse or Immediate Relative's employment.

**Code Of Conduct For Members Of Council For
The Corporation Of The Municipality of West Elgin**

- 15.5 No Member shall attempt to use a Spouse or Immediate Relative relationship for financial or other gain.

Part 16: Obstruction Of Integrity Commissioner

- 16.1 No Member shall obstruct the Integrity Commissioner in the carrying out of their responsibilities.
- 16.2 It is a violation of this Code to obstruct any staff member acting under the instruction of the Integrity Commissioner in applying or furthering the objectives or requirements of this Code, in attempting to gather information or data, or in the general conduct of duties with respect to a Code of Conduct investigation.
- 16.3 Examples of obstruction under sections 16.1 or 16.2 include the destruction of documents, the erasure of electronic documents, withholding or concealing the existence of documents and refusal to respond to inquiries from the Integrity Commissioner within 15 days of receipt of same.

Part 17: Reprisals

- 17.1 No Member shall seek any reprisal or threaten any reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner in the course of inquiry pursuant to a complaint.

Part 18: Interpersonal Conduct And Communications:

18.1 Requirements

Members have important legal responsibilities and accountabilities in connection with the tone and substance of interpersonal interactions, conduct or communications pursued in the context of carrying out the activity of a municipal Councillor.

18.2 Municipal Policies

The purpose of this section of the *Code of Conduct* and the appendiced policies is to ensure that Members governed by this *Code of Conduct* understand and comply with standards of conduct required at law in terms of their interpersonal interactions, communications and conduct. (*Policies appendiced: Appendix A – HR 9.3 – Workplace Harassment and Discrimination; HR. 9.2– Violence in the Workplace; HR 9.1 – Civil Workplace Environment.*

The Municipal Corporation and Members, as agents of the Municipal Corporation share important obligations for ensuring compliance with required standards of interpersonal conduct and interactions. A failure to adhere to the required Standards of Conduct can

**Code Of Conduct For Members Of Council For
The Corporation Of The Municipality of West Elgin**

expose both the Municipality, the Municipal, and individual Members to potential liabilities.

I Human Rights Guarantees: *The Obligation to Treat Every Person with Dignity, Understanding and Respect and Avoid Harassment and Discrimination*

The *Ontario Human Rights Code* extends equality rights guarantees in the context of employment and the delivery of services. A Municipal Government is both an employer and service provider.

As a result the interactions and conduct of Members governed by this *Code of Conduct* generally occur in the context of providing services or interacting with employees.

In connection with such interactions, Members have a legal obligation to ensure adherence to equality rights guarantees. Members have an obligation to ensure that all individuals dealt with are treated with dignity and respect, and not exposed to harassment or discrimination as prohibited by the *Human Rights Code*.

As a Member your obligations in this regard extend to anyone you deal with in the context of employment or delivery of services; including but not necessarily limited to the following: other Members of Council, Committee Members, Local Board Members, Corporate Employees, individuals providing services, contractors, students, the public.

Part 19: Compliance / Accountability / Enforcement

The Municipality has important obligations and interests in ensuring compliance with the ethical and interpersonal conduct standards required of Members by this Code of Conduct.

The Municipality has an interest and obligation to respond to all allegations, complaints or incidents of alleged conduct inconsistent with the standards outlined in this *Code of Conduct (and appended policies)* in a manner consistent with the interests and legal obligations of the Municipal.

The Municipality recognizes that the Municipality and the Members have a mutual interest in providing and encouraging access to compliance/enforcement mechanisms in connection with the conduct required by this *Code* that deliver objective, independent, skilled and efficient determinations in connection with alleged misconduct by any Member.

The Municipality shall appoint an Integrity Commissioner pursuant to Section 223.3(1) of the Municipal Act and, when proclaimed, Bill 68 “Modernizing Ontario’s Municipal Legislation Act, 2017” to inquire into and determine any alleged non-compliance with the standards of conduct defined in the *Code of Conduct* and to investigate and advise on the (MICA) in March 2019 and thereafter by a Member.

**Code Of Conduct For Members Of Council For
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In all circumstances where the Municipality becomes aware of an allegation that a Member has engaged in any prohibited activity or breached any standard of conduct outlined in this *Code of Conduct*, whether by informal communications or formal complaints, the matter will be addressed as follows:

- (i) The “informal” complaint procedure attached as *Appendix 1* may be followed but is not mandatory;
- (ii) Any issue of non-compliance with the *Code of Conduct* shall be referred to the Integrity Commissioner through the Complaint Protocol attached as *Appendix 3*;
- (iii) The Integrity Commissioner shall conduct an Inquiry to determine whether the Member has engaged in conduct in contravention of the *Code of Conduct*; (except as in Complaints Prior to an Election)
- (iv) In planning and pursuing the relevant inquiry the Integrity Commissioner may proceed consistent with the procedural aspects of any policies addressing the subject of the alleged infringement and exercise his/her powers under Section 33 and Section 34 of the *Public Inquiries Act*;
- (v) The inquiry pursued by the Integrity Commissioner shall be an independent inquiry; independent of the Municipality or any of its agents, employees or members;
- (vi) Where the Integrity Commissioner determines that he/she has reasonable grounds to believe that there has been a contravention of any other act or the *Criminal Code*, the Integrity Commissioner shall refer the matter to the appropriate authority; suspend his/her inquiry and report the suspension to Council. In these circumstances Council will pursue the necessary steps to ensure that the matter is addressed consistent with the Municipal's obligations at law and any relevant Municipal policies;
- (vii) Where the Integrity Commissioner completes an inquiry and determination of the matter, he/she shall prepare a written report of his/her findings as to whether a Member has contravened the *Code of Conduct*. In preparing the report, the Integrity Commissioner may disclose such matters as are necessary for the reporting to Council. The Report shall be delivered to Council. Where a contravention of the Code is substantiated, Council will impose the Penalty;
- (viii) The municipality shall consider written reports/findings of the Integrity Commissioner in open session unless otherwise prohibited by another Act eg. (MFIPPA) or regulation

**Code Of Conduct For Members Of Council For
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- (ix) Where the Integrity Commissioner determines that a Member has contravened the *Code of Conduct*, the Integrity Commissioner shall recommend the penalty; such penalty shall be within the remedial parameters defined in the *Municipal Act*;
- (x) **Penalties:** Where a Member is found to have breached any standard of conduct required by the *Code of Conduct*, the penalty will be determined by the Council on the advice of the Integrity Commissioner. In determining the penalty the Council shall take into consideration the nature and degree of the current breach of the Code and any prior non-compliance with the *Code of Conduct* by the Member.
- (xi) Exception: (Upon proclamation of Bill 68)

Where a Code of Conduct breach is alleged,

- i) the member may take part in the discussion of the matter, including making submissions to council or the local board, as the case may be, and may attempt to influence the voting on any question in respect of the matter, whether before, during or after the meeting. However, the member is not permitted to vote on any question in respect of the matter.
- ii) In the case of a meeting that is not open to the public, the member may attend the meeting or part of the meeting during which the matter is under consideration.

Penalties imposed in connection with breaches of the *Code of Conduct* pursuant to the Code may include:

1. A written reprimand; and or;
2. Suspension of remuneration paid to a Member with respect to services up to 90-days; and or;

Refusal to Conduct Investigation

1. 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, terminate the investigation.
2. Complaints referred that are repetitious in nature, not germane to the Code of Conduct in the opinion of the Integrity Commissioner, deemed frivolous and without substance in the opinion of the Integrity Officer, OR, where the complaint is deemed vexatious in the opinion of the Integrity Commissioner, complaints shall not be advanced to an investigation stage.

**Code Of Conduct For Members Of Council For
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3. Other than in exceptional circumstances, the Integrity Commissioner will not report to Council or a local board (restricted definition) on any complaint described in subsections (1) and (2) except as part of an annual or other periodic report.
4. An application may only be made within six weeks after the applicant became aware of the alleged contravention.

Complaints or Reports Prior to Election

No complaint regarding a Member who is a candidate in an election may be accepted by the Integrity Commissioner for review and/or investigation between Nomination Day for a regular election and ending of voting day in any year in which a regular municipal election will be held. The Integrity Commissioner shall hold such complaint in abeyance until after voting day in a regular election year and advise the complainant of the process.

Part 20: Other Compliance/Enforcement Rights Beyond The Referral To The Integrity Commissioner

While the Municipality encourages complainants, Members and all parties to access and support the use of the Integrity Commissioner as the means of addressing any issues of non-compliance with the *Code of Conduct* by Members, the Municipality has an obligation and commitment to support complainants or potential complainants access to the following processes in connection with allegations of prohibited activity, conduct or communications.

1. Complaints of Harassment (*Code or Personal*), Discrimination, Violence by Employees, Members of Council

- Access to the procedures committed to in the Municipality's relevant Policies (*i.e. informal resolution, mediation, complaint procedures*);
- Complainants also have a right to file complaints with *the Ontario Human Rights Tribunal (in connection with human rights allegations)* and complaints with the *Ministry of Labour (in connection with allegations of violence, threats of violence or personal harassment)*.

2. Complaints Regarding Allegations of Conduct Regulated by the Criminal Code

- Complaints can be directed to the Elgin Municipal Detachment of the Ontario Provincial Police to pursue an investigation under Section 122 of the *Criminal Code of Canada* where allegations of fraud or breach of trust are made in connection with a Member carrying out the duties of the office;
- Complaints can be directed to the Elgin Municipal Detachment of the Ontario Provincial Police to pursue an investigation under Section 122 of the Criminal

Code Of Conduct For Members Of Council For The Corporation Of The Municipality of West Elgin

Code of Canada regarding allegations of a Member's involvement in demands for, acceptance of, offering or agreement to accept a loan, reward, benefit or their advantage from any person, in connection with the performance of the duties of the Member in the office;

3. Complainant's Direct Dealings with Members in Connection with Concerns of Non-Compliance with the *Code of Conduct*

- Any person who believes that a Member has infringed any standard under this *Code of Conduct* can advise the Member of the concern directly (*verbally or in writing*) that their activity infringes the *Code of Conduct*;
- Such person (*complainant*) may directly encourage the Member to stop the offending activity;
- Such person (*complainant*) should keep a record of the incident, including date, time, location, persons present and any other relevant information.

Part 21: Judicial Investigation

In circumstances where liability is denied and the alleged misconduct is serious in nature, Council may pass a resolution, pursuant to s. 274(1) of the *Municipal Act*, requesting a judicial investigation into the Member of Council, or Council's Local Board or Committee Member's conduct.

Part 22: Summary

The Municipality and all Members of Council share an important interest and responsibility in ensuring that the standards of conduct required under this *Code of Conduct* are understood, maintained and where necessary enforced by holding Members accountable.

The standards reflect the ethical and legal context in which the Municipality and Members must deliver services to the community served by the Council and Members. Deviations from the standards of conduct outlined in this *Code of Conduct* leave the Municipality, Council and individual Members exposed to the following:

- Reputational risk;
- Loss of credibility in the community;
- Risks of significant liabilities.

All Members of Council are expected to be knowledgeable of the contents of this *Code of Conduct* and of the appendiced Municipal Policies, and to adhere to the standards of conduct defined in the *Code of Conduct* and Policies.

**Code Of Conduct For Members Of Council For
The Corporation Of The Municipality of West Elgin**

Appendix 1

Informal Complaint Procedure

Individuals (for example, Municipal employees, members of the public, members of Council or local boards (restricted definition), or organizations (including local boards (restricted definition) who have identified or witnessed behaviour or an activity by a member of Council or a local board (restricted definition) that they believe is in contravention of the *Code of Conduct for Members of Council and Local Boards (Restricted Definition)* the “Code of Conduct” would address the prohibited behaviour or activity themselves as follows:

- (1) advise the member that the behaviour or activity contravenes the Code of Conduct;
- (2) encourage the member to stop the prohibited behaviour or activity;
- (3) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- (4) tell someone else (for example, a senior staff member or an officer of the organization) about your concerns, your comments to the member and the response of the member;
- (5) if applicable, confirm to the member’s satisfaction with the response of the member; or, if applicable, advise the member of your dissatisfaction with the response; and,
- (6) consider the need to pursue the matter in accordance with the formal complaint procedure outlined in *Appendix B*, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

Individuals and organizations are 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 of Conduct. With the consent of the complaining individual or organization 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 pursue the informal complaint procedure prior to pursuing the formal complaint procedure.

**Code Of Conduct For Members Of Council For
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Appendix 2

Duties Of A Municipal Integrity Commissioner

The Integrity Commissioner shall perform the duties and have the powers provided for in the Act, including but not limited to the following:

- (1) *Advisory*: upon proper request, provide written and/or verbal advice to individual members of Council respecting the application of the Code of Conduct and/or any other procedures, rules, and policies relating to and reflecting upon their ethical behavior, including but not limited to general interpretation of the Municipal Conflict of Interest Act (Ontario); and furthermore and when appropriate, providing the full Council with specific and general opinions and advice respecting compliance by elected officials in respect of the provisions of governing statutes the Code of Conduct and any other applicable procedures, rules, and policies.
- (2) *Compliance Investigation/Determinations*: upon proper request from a member of Council or local board, municipal administration or one or more members of the public, to conduct an inquiry and make a determination as to any alleged contravention of the Code of Conduct or applicable procedures, rules, and policies by a member of Council or local board and, thereafter, to report the details and results of such inquiry to municipal Council.
- (3) *Educational*: provide the Chief Administrative Officer or as directed with an annual report of activities during the previous calendar year as Integrity Commissioner, including but not necessarily limited to advice given to Council or individual members of Council and a summary of inquiry results and determinations; furthermore, provide outreach programs to members of Council and local boards and relevant staff on legislation, protocols, and office procedures emphasizing the importance of compliance with a Code of Conduct for public confidence in Municipal Government; and, furthermore, dissemination of information available to the public on the website operated by West Elgin.

Notwithstanding that set forth above, the parties acknowledge and agree that the function of the Integrity Commissioner is to provide advice and opinion to Council and members thereof, to provide independent complaint prevention, investigation, adjudication, and resolution to members of Council and the public, and education respecting adherence with the Code of Conduct for members of Council and other procedures, rules, and policies governing ethical behavior.

**Code Of Conduct For Members Of Council For
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Appendix 2 (continued)

The parties hereto also acknowledge and agree the Integrity Commissioner, will perform services, and in particular those services relating to advisory and educational duties, in a manner so as to avoid duplicated advice, opinion, and cost in respect of identical requests and inquiries – for example, the Integrity Commissioner shall decline to provide individualized advice and opinion to more than one member of Council or a local board on identical issues but should choose to provide general advice to Council or such local board as a whole to answer all such inquiries. In addition, it is recognized that the Integrity Commissioner, will likely receive requests for advice on matters involving compliance with the Municipal Conflict of Interest Act (the “MCIA”) – while the Integrity Commissioner may provide general interpretation of the MCIA, it is expected that individual members of Council or local boards will seek independent legal advice on a specific question of individual compliance with such legislation. (until such time as Bill 68 is proclaimed) *Appendix C*

(4) The application of sections 5, 5.1, and 5.2 of the Municipal Conflict of Interest Act to members of Council and of local boards will become the responsibility of the Integrity Commissioner on March 1, 2019.

**Code Of Conduct For Members Of Council For
The Corporation Of The Municipality of West Elgin**

Appendix 3

Complaint Protocol

- (1) Any member of Council, staff or the public that believes they have experienced or witnessed conduct in contravention with the Code of Conduct may file a complaint and request an investigation.
- (2) All complaints shall be in writing and signed by an identifiable individual.
- (3) A complaint shall set out reasonable and probable grounds for the allegation that the member as contravened the Code of Conduct and include a support affidavit that sets out the evidence in support of the complaint.
- (4) The complaint protocol information package shall be available at the Municipal Clerk's office. *Appendix B*

**Code Of Conduct For Members Of Council For
The Corporation Of The Municipality of West Elgin**



MUNICIPALITY OF
West Elgin

Subject: Code of Conduct for Members of Municipal Council and Council's Local Board and Committee Members (hereinafter referred to as "Members")

Councillor Acknowledgement

The preceding Code of Conduct has been explained to me and I have received, read, and understood the Code of Conduct for the Corporation of the Municipality of West Elgin.

Councillor Name (Please Print)

Councillor Signature

Date

**Code Of Conduct For Members Of Council For
The Corporation Of The Municipality of West Elgin**



MUNICIPALITY OF
West Elgin

Appendix A

Council Code of Conduct Disclosure Statement

Council Code of Conduct

Part 7 of the Council Code of Conduct regarding the acceptance of gifts and benefits, requires members to disclose the receipt of certain gifts and benefits if the dollar value of a single gift or benefit exceeds \$200.00 or if the total value of gifts and benefits received from one source in a calendar year exceeds \$1,000.00. This Disclosure Statement is to be used to report on such gifts and benefits and shall be filed with the clerk within 30 days of receipt of such gift or benefit, or upon reaching the annual limit. Disclosure Statements are a matter of public record.

Nature of Gift or Benefit Received:

Source of Gift or Benefit:

Circumstances under Which Gift or Benefit Received:

Estimated Value of Gift or Benefit: \$ _____

Date Gift or Benefit Received: _____

Signature of Member: _____ **Date:** _____

Date Statement Received by Clerk: _____

**Code Of Conduct For Members Of Council For
The Corporation Of The Municipality of West Elgin**



MUNICIPALITY OF
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Appendix B

**Council Code of Conduct – Formal Complaint Form/Affidavit
Council Code of Conduct**

AFFIDAVIT OF _____ (full name)
I, _____ (full name), of the _____ (City,
Town etc.) of _____ (municipality of residence) in the
Province of Ontario.

MAKE OATH AND SAY (or AFFIRM):

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

(insert reasons e.g. I work for... I attended a meeting at which... etc.)

2. I have reasonable and probable grounds to believe that a member of the Municipality of West Elgin Council _____ (specify name of member) has contravened section(s) _____ specify section(s) of the Council Code of Conduct of the Municipality of West Elgin. The particulars of which are as follows:

(Set out the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space please use the attached *Schedule A* form and check the appropriate box below. If you wish to include exhibits to support this complaint, please refer to the exhibits as Exhibit A, B etc. and attach them to this affidavit.)

[illegible]

1. This affidavit is made for the purpose of requesting that this matter be reviewed by the Municipality of West Elgin appointed Integrity Commissioner and for no other purpose.

Signature _____

on this _____ day of _____, 20____)

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**Code Of Conduct For Members Of Council For
The Corporation Of The Municipality of West Elgin**

Schedule A (*Additional Information*)

Municipality of West Elgin - Council Code of Conduct

To the affidavit required under Part 18 Procedure – Formal Complaint of the Council Code of Conduct.

(If more than one page is required, please copy this blank page and mark each additional page as 2 of 2, 2 of 3, etc. at the top right corner.)

This *Schedule A* referred to in the affidavit of _____.
(Print Full Name)

Please note that signing a false affidavit may expose you to prosecution under Sections 131 and 132 or 134 of the Criminal Code, R.S.C. 1985, c. C-46 and also to civil liability for defamation.

Signature

Sworn (or Affirmed) before me on this _____ day

of _____, _____.

A Commissioner for taking affidavits, etc.

**Code Of Conduct For Members Of Council For
The Corporation Of The Municipality of West Elgin**



MUNICIPALITY OF
West Elgin

Appendix C

Council Code of Conduct – Request for Advice Form

Municipality of West Elgin

Council Code of Conduct

Name of Member: _____

Telephone No.: _____

Email Address: _____

Advice Requested: (Please provide as much detail as possible. Attach additional pages if required.)

Signature of Requestor

Date Received by Integrity Commissioner

Date

Date Reply Issued

**Code Of Conduct For Members Of Council For
The Corporation Of The Municipality of West Elgin**



MUNICIPALITY OF
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Appendix D

**Conflict of Interest Form
Municipality of West Elgin
Council Code of Conduct**

Name of Member: _____

Telephone No.: _____

Email Address: _____

Date of Council meeting: _____

Agenda item number and name:

General Nature of the Conflict of Interest:

Signature of Council Member

Date Received by Municipal Clerk

FOUR COUNTIES TRANSIT SUMMARY OF RIDERS - 2022																
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	2022 TOTAL		2021	2020
CHATHAM-KENT																
HIGHGATE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0			
BOTHWELL	2.0	3.0	4.0	4.0	6.0	5.0	6.0	2.5	2.5	2.0	4.5	3.0	44.5			
RIDGETOWN	0.0	0.0	0.0	0.0	1.0	2.0	2.0	0.0	0.0	0.0	0.0	0.0	5.0			
MORPETH	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0			
THAMESVILLE	-	-	-	0.5									0.5			
SUB-TOTAL	2.00	3.00	4.00	4.50	7.00	7.00	8.00	2.50	2.50	2.00	4.50	3.00	50.0	10%	51	82
NEWBURY																
Villa Apts.	3.0	1.0	4.5	3.5	5.5	4.5	8.5	5.5	2.0	6.0	5.0	2.5	51.5			
SUB-TOTAL	3.00	1.00	4.50	3.50	5.50	4.50	8.50	5.50	2.00	6.00	5.00	2.50	51.5	10%	-	2
S.W. MIDDLESEX					120											
GLENCOE	10.0	7.0	18.0	16.5	15.5	14.0	10.0	7.0	6.0	20.5	11.0	5.0	140.5			
APPIN	0.0	0.0	0.0	0.0	1.0	3.0	4.0	4.0	2.0	4.0	4.0	3.0	25.0			
WARDSVILLE	10.5	10.0	7.5	10.5	17.0	12.5	8.5	8.5	5.5	9.5	9.0	13.5	122.5			
MELBOURNE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0			
BABCOCK N.H.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0			
SUB-TOTAL	20.5	17.0	25.5	27.0	33.5	29.5	22.5	19.5	13.5	34.0	24.0	21.5	288.0	57%	202	120
WEST ELGIN																
West Elgin	7.0	12.0	13.0	19.0	7.5	5.5	9.0	4.5	6.0	10.5	12.5	13.0	119.5			
BEATTIE MANOR	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0			
SUB-TOTAL	7.0	12.0	13.0	19.0	7.5	5.5	9.0	4.5	6.0	10.5	12.5	13.0	119.5	23%	112	57
GRAND TOTAL	32.5	33.0	47.0	54.0	53.5	46.5	48.0	32.0	24.0	52.5	46.0	40.0	509.0	100%	365	261
RIDER																
SPECIAL TRIPS																
Single													0			
Babcock						1		1				2	4			
Ridgetown-Village													0			
WECHC													0			
Beattie											1		1			
Adult Centre													0			
FCHS										1			1			
Total Trips	-	-	-	-	-	1	-	1	-	1	1	2	6			



MUNICIPALITY OF West Elgin

Four Counties Transit

As of December 31, 2022

Revenues		<u>2022 Actuals</u>	<u>2022 Budget</u>
01-7280-6202	GRANTS FROM OTHER MUNICIPALITIES	-	(23,956.23)
01-7280-6212	GRANT - PROVINCIAL GAS TAX	(35,867.00)	(30,563.00)
01-7280-6355	BUS TRIP FEES	(6,108.00)	(10,000.00)
01-7280-6356	SPECIAL TRIP & MILEAGE BUS FEES	(1,192.55)	(5,000.00)
Expenses			
01-7280-7400	WAGES	36,263.19	42,884.40
01-7280-7401	CPP EXPENSE	1,863.67	2,444.41
01-7280-7402	EI EXPENSE	802.15	909.15
01-7280-7403	EHT EXPENSE	299.88	857.69
01-7280-7404	WSIB	1,037.13	1,286.53
01-7280-7415	Training	173.05	200.00
01-7280-7510	INSURANCE	4,764.00	2,500.00
01-7280-7601	PHONE & INTERNET	1,198.27	1,200.00
01-7280-7651	POSTAGE & COURIER	112.40	300.00
01-7280-7652	ADVERTISING	386.68	500.00
01-7280-7660	OTHER SUPPLIES	238.78	200.00
01-7280-7675	LEGAL	-	2,000.00
01-7280-7699	BILLABLE	-	-
01-7280-7701	FUEL - GAS	10,690.47	15,000.00
01-7280-7705	REPAIRS & MAINTENANCE	6,899.59	5,000.00
01-7280-7900	TRANSFER TO RESERVES	-	5,000.00
01-7280-7901	Transfer from Reserves	-	(80,000.00)
01-7280-8000	CAPITAL - TRANSIT BUS	-	80,000.00
		\$ 21,561.71	\$ 10,762.95



MUNICIPALITY OF West Elgin

Four Counties Transit

2022 Fees

2023 Fees

Trips within Service Area

Mileage (per km)

\$	0.70
\$	6.00
\$	12.00

\$	0.80
\$	7.00
\$	14.00

One way Trip

Round Trip (per person)

Trips outside Service Area

Round Trip (per person) + Mileage

\$	35.00
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\$	40.00
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Special trips

During normal hours (per hour) + mileage

\$	35.00
\$	50.00

\$	40.00
\$	60.00

Outside normal hours (per hour)+ mileage



Four Counties Transit

		2023 Budget	2022 Actuals	2022 Budget	2021 Actuals	2021 Budget	2020 Actuals	2020 Budget	2019 Actuals	2019 Budget
01-7280-6121	DONATIONS/MISC REVENUE	-	-	-	-	-	-	-	-	-
01-7280-6202	GRANTS FROM OTHER MUNICIPALITIES - Note 1	(24,750.71)	-	(23,956.23)	(7,686.36)	-	-	(20,265.09)	(24,063.75)	(20,694.16)
01-7280-6212	GRANT - PROVINCIAL GAS TAX - Note 2	(35,867.00)	(35,867.00)	(30,563.00)	(30,563.00)	(30,563.00)	(14,726.20)	(35,454.00)	(30,454.00)	(35,454.00)
01-7280-6213	GRANTS - PUBLIC TRANSIT STREAM - Note 3	(45,188.15)	-	-	(1,807.12)	-	-	(45,188.00)	-	-
01-7280-6214	GRANT - SAFE RESTART - Note 4	-	-	-	(3,369.00)	(33,544.00)	(16,747.00)	-	-	-
01-7280-6355	BUS TRIP FEES - Note 5	(7,000.00)	(6,108.00)	(10,000.00)	(4,446.00)	(4,000.00)	(3,770.00)	(13,836.00)	(11,260.00)	(10,000.00)
01-7280-6356	SPECIAL TRIP & MILEAGE BUS FEES	(1,000.00)	(1,192.55)	(5,000.00)	(1,223.60)	(500.00)	(536.75)	(7,000.00)	(7,070.55)	(10,000.00)
01-7280-7400	WAGES	37,713.72	36,263.19	42,884.40	25,146.26	26,858.00	18,702.42	48,196.42	46,263.36	46,035.00
01-7280-7401	CPP EXPENSE	1,885.69	1,863.67	2,444.41	1,156.52	1,128.04	784.67	1,927.86	2,003.87	1,841.40
01-7280-7402	EI EXPENSE	754.27	802.15	909.15	556.21	590.88	413.76	963.93	1,048.25	920.70
01-7280-7403	EHT EXPENSE	565.71	299.88	857.69	478.86	537.15	364.72	963.93	902.12	920.70
01-7280-7404	WSIB	1,131.41	1,037.13	1,286.53	716.72	778.88	533.03	1,445.89	1,452.40	1,381.05
01-7280-7415	Training	200.00	173.05	200.00	151.14	200.00	59.62	200.00	146.11	200.00
01-7280-7510	INSURANCE	4,534.00	4,764.00	2,500.00	2,044.00	2,207.52	1,561.00	2,351.00	2,044.00	2,100.00
01-7280-7601	PHONE & INTERNET	1,400.00	1,198.27	1,200.00	1,434.09	1,200.00	1,117.94	1,100.00	1,070.70	1,400.00
01-7280-7651	POSTAGE & COURIER	200.00	112.40	300.00	201.80	50.00	2.67	50.00	-	30.00
01-7280-7652	ADVERTISING	500.00	386.68	500.00	4,689.32	3,500.00	3,727.83	3,000.00	2,754.70	3,500.00
01-7280-7660	OTHER SUPPLIES	300.00	238.78	200.00	193.45	500.00	1,958.14	200.00	203.87	50.00
01-7280-7675	LEGAL - Memorandum of Understanding	2,000.00	-	2,000.00	-	2,000.00	-	-	-	-
01-7280-7701	FUEL - GAS	15,000.00	10,690.47	15,000.00	6,234.21	5,000.00	3,776.78	15,000.00	14,532.21	16,000.00
01-7280-7705	REPAIRS & MAINTENANCE	5,000.00	6,899.59	5,000.00	4,545.80	5,000.00	2,777.37	5,000.00	10,854.34	10,000.00
01-7280-7900	TRANSFER TO RESERVES	5,000.00	-	5,000.00	5,000.00	19,056.53	-	50,188.00	-	-
01-7280-7901	Transfer from Reserves	(93,811.85)	-	(80,000.00)	-	-	-	(70,000.00)	-	5,000.00
01-7280-8000	CAPITAL - TRANSIT BUS	139,000.00	-	80,000.00	-	-	-	70,000.00	-	-
		\$ 7,567.09	\$ 21,561.71	\$ 10,762.95	\$ 3,453.30	\$ (0.00)	\$ 0.00	\$ 8,843.94	\$ 10,427.63	\$ 13,230.69

Notes:

Note 1	Grants from Other Municipalities		
	Based on 2022 Ridership		
	Chatham-Kent	50.0	\$ 3,174.64
	Newbury	51.5	\$ 3,269.88
	Southwest Middlesex	288.0	\$ 18,285.91
	West Elgin	119.5	\$ 7,587.38
		509.0	\$ 32,317.80
Note 2	Grant - Provincial Gas Tax		
	2022 Notice	\$ 35,867.00	
Note 3	Grant - Public Transit Stream		
	Federal Contribution	\$ 24,649.20	
	Provincial Contribution	\$ 20,538.95	
		\$ 45,188.15	
Note 4	Grant - Safe Restart		
	Staff to investigate		
Note 5	Bus Trip Fees		
	500 trips (round trip) @ \$14	\$ 7,000.00	



Staff Report

Report To: Four Counties Transit Committee

From: Jana Nethercott, Clerk

Date: 2023-01-17

Subject: Outstanding Items

Recommendation:

That Four Counties Transportation Committee hereby receives the report from Jana Nethercott re: Outstanding Items for discussion.

Purpose:

The purpose of this report is to provide the Committee with the items still outstanding from the previous term of the Committee.

Background:

Operating Agreement

A report was brought forward to the Four Counties Transit Committee in January 2022 outlining a draft Agreement for all parties who contribute to the Four Counties Transit system. This system has been operating on a “handshake” policy since its inception and when the previous Chair of the committee went to other municipalities to inquire about them joining the system, their biggest concerns was the lack of a formal agreement laying out responsibilities of each party. Staff had an agreement drawn up and reviewed by a solicitor and a draft given to the members to comment on in March of 2022. The Committee’s focus from then on was on the purchase of the new bus and it was thought that putting off the Agreement until the bus was purchased was the best use of time. Staff will be bringing back the Draft Agreement at the next meeting for the Committee to review and comment on and then it will be sent to each contributing municipality for their approval or acceptance. Hopefully we can get this agreement finalized in 2023.

Terms of Reference

The last Terms of Reference for this committee was adopted in June of 2019 and is out of date and doesn’t reflect the current make up of the committee. The draft agreement does lay out the duties of the administering municipality and Committee members as well as the make up of the committee, so this goes hands in hand.

Expansion of Service

In 2019 previous Chair, Bonnie Rowe and other members of the committee visited a number of Municipal Council’s with a presentation on the Four Counties Transit System with the hopes of getting more municipalities involved in the system and possibly expanding the boundaries of the

current system. This was stopped as the lack of a formal agreement for funding of the system was seen as a deterrent for many of the Council's, along with the arrival of the pandemic.