

TOWNSHIP OF WEST LINCOLN
APPLICATION FORM FOR CITIZEN REPRESENTATION ON
THE FOLLOWING BOARDS & COMMITTEES

The Township of West Lincoln is committed to involving the people of West Lincoln in order to increase civic engagement and community involvement through enhanced partnerships, good governance and leadership. We invite all interested West Lincoln residents to submit an application to be a prospective member of the following Boards/Committees.

I AM INTERESTED IN BEING A MEMBER OF:

Please indicate by checking the appropriate box, if you are interested in more than one, please indicate your choices in order of preference (i.e. 1, 2, 3):

- ☐ West Lincoln Santa Claus Committee
- ☐ Court of Revision (Drainage Act)
- ☐ Livestock Valuer
- ☐ West Lincoln Heritage Committee
- ☐ West Lincoln Public Library Board (Note: Must be a Canadian Citizen)

NAME: _____

ADDRESS: _____

OCCUPATION: _____

AFFILIATED SCHOOL &/OR COMMUNITY GROUP/ASSOC.: _____

TELEPHONE NO.: (Res.) _____ (Bus.) _____ (Cell) _____

NOTE: Internet Access would be beneficial – Do you have internet/email?

YES ☐

NO ☐

IF YES, PLEASE PROVIDE EMAIL ADDRESS: _____

Explain your interest in applying to become a member:

(If more space is required to answer the following questions, please use back of page or a separate sheet of paper)

Why do you wish to be involved in the Committee and what strengths would you bring to the Committee?

List your qualifications and/or relevant skills you consider to be an asset to being a member of the Committee:

List your current and past involvement with other community groups:

YOU MAY ATTACH ADDITIONAL INFORMATION TO THIS APPLICATION AS YOU FEEL IS RELEVANT.

Personal information on this form is collected under the authority of the Municipal Act and will be used to evaluate the qualifications of citizen appointees to Township of West Lincoln Boards and/or Committees.

SIGNATURE: _____

DATE: _____

**Please return this application form to the attention of:
Ms. Joanne Scime, Director of Legislative Services/Clerk**

**MAIL/DROP OFF: Township of West Lincoln
318 Canborough St., Box 400
Smithville, ON L0R 2A0**

EMAIL: jscime@westlincoln.ca

Phone: 905-957-3346, Ext. 5136 Fax: 905-957-3219

DEADLINE FOR SUBMISSIONS – FRIDAY, JUNE 2ND, 2023 AT 4:30 PM

Personal information on this form is collected under the authority of the Municipal Act and in accordance with the Municipal Freedom of Information and Protection of Privacy Act and will be

used to evaluate the qualifications of citizen appointees to Township of West Lincoln Boards and Committees.

In accordance with the Accessibility for Ontarians with Disabilities Act, if you require this document or any additional documents in an alternative format, please contact our office at 905-957-3346. Please know that should you require any special accommodations in order to submit an application for a position on a Board or Committee with the Township of West Lincoln, we will endeavor to make such accommodations.

We thank all those applicants who apply and advise that acknowledgement will only be forwarded to successful applicants.

PURPOSE OF BOARDS AND COMMITTEES
Appointments for the term of Council
(November 14, 2026 or until successors have been appointed)

1. COURT OF REVISION

The Court of Revision is responsible for hearing appeals from landowners relating to assessments imposed on them as a result of drainage works that are undertaken under the authority of the Drainage Act. The appeals would relate to the portion of the cost for the proposed drainage works which is assessed to specific land owners. The Court of Revision consists of three (3) or five (5) members appointed by Council, Every Member shall be a person eligible to be elected as a Member of Council or shall be a Member of Council.

2. LIVESTOCK VALUER

Under the Protection of Livestock and Poultry from Dogs Act Council appoints at least one or more persons as valuers of livestock and poultry, to assess damage to livestock caused by animal attacks. The livestock valuers are responsible for assessing values and determining if the loss of livestock and poultry was attributable to attacks by wolves, coyotes or stray dogs. In most cases there are three (3) persons appointed by Council.

3. WEST LINCOLN HERITAGE COMMITTEE

The West Lincoln Heritage Committee is an Advisory Committee to Council constituted to make recommendations on matters relating to the Ontario Heritage Act, including the identification, preservation, conservation and restoration of buildings in the Township of West Lincoln that are historically, culturally or architecturally significant to the community. The Heritage Committee consists of not fewer than five (5) members appointed by Council.

4. WEST LINCOLN PUBLIC LIBRARY BOARD

The Public Library Board consists of at least five (5) persons (no more than nine (9) persons) appointed by Council one of whom is a member of Council and the remainder being appointed citizens. The Board is responsible for the operation, maintenance and promotion of the Township's library branches pursuant to applicable legislation. A person is qualified to be appointed as a member of a board who is a member of the appointing council or is at least eighteen years old, is a Canadian citizen is a resident of the municipality for which the board is established and is not employed by the board or by the municipality.

5. WEST LINCOLN SANTA CLAUS PARADE COMMITTEE

The West Lincoln Santa Claus Parade Committee will plan and present an annual Christmas Parade within the Township of West Lincoln on the last Saturday of November or on another date as approved by Township Council. Appointments to the Committee will be made by Council. Membership will be comprised of up to one (1) member of Council, up to one (1) staff Liaison and up to twelve (12) Committee members. Committee members will be selected by Council on the basis of experience, interest and availability to attend meetings.

The Committee elect from its membership a representative for each of the following positions:

- | | |
|--------------|-----------------------------|
| • Chair | • Fundraising Coordinator |
| • Vice Chair | • Traffic Coordinator |
| • Secretary | • Bands/Entries Coordinator |
| • Treasurer | |

CODE OF CONDUCT
FOR MEMBERS OF COUNCIL AND LOCAL BOARDS
APRIL 15, 2019

1.0 Application and Purpose

- 1.1 This Code of Conduct applies to all Members of the Council of the Township of West Lincoln, including the Mayor and, unless specifically provided, with necessary modifications, to all of the Township's committees, agencies, boards and commissions, which comprise and are defined as local boards in subsection 1(1) and section 223.1 of the *Municipal Act, 2001*.
- 1.2 The purpose of this Code of Conduct is to establish a general standard to ensure that all Members share a common basis for acceptable conduct, and to which all Members are expected to adhere to and comply with. This Code of Conduct augments other laws which Members are governed by and which requires Members to follow the Procedural By-law and other sources of applicable law, including but not limited to:
- *Municipal Act, 2001*
 - *Municipal Conflict of Interest Act*
 - *Municipal Elections Act, 1996*
 - *Municipal Freedom of Information and Protection of Privacy Act*
 - *Human Rights Code*
 - *Occupational Health and Safety Act*
 - *Provincial Offences Act*
 - *Criminal Code*

2.0 Statement of Principles

- 2.1 This Code of Conduct is intended to set a high standard of conduct for Members in order to provide good governance and a high level of public confidence in the administration of the Township by its Members as duly elected or appointed public representatives to ensure that they each operate from a foundation of integrity, transparency, justice, truth, honesty and courtesy.

2.2 The following key statements of principle are intended to guide Members and assist with the interpretation of the Code of Conduct:

- Members shall serve and be seen to serve the public in a conscientious and diligent manner;
- Members shall observe and act with the highest standard of ethical conduct and integrity;
- Members shall avoid the improper use of the influence of their office and act without self-interest;
- Members shall act and are expected to perform their functions with honesty, integrity, accountability and transparency;
- Members shall perform their duties and arrange their private affairs in a manner that promotes public confidence and that will bear close public scrutiny;
- Members shall be cognizant that they are at all times representatives of the Township and of Council, recognize the importance of their duties and responsibilities, take into account the public character of their function, and maintain and promote the public trust in the Township; and
- Members shall uphold the spirit and the letter of the laws of Ontario and Canada and the laws and policies adopted by Council.

The above statements are key principles that are intended to facilitate an understanding, application and interpretation of the Code of Conduct – the principles are *not* operative provisions of the Code of Conduct and are not intended to be enforced independently as such.

3.0 Definitions

3.1 The following terms shall have the following meanings in this Code of Conduct:

- (a) “child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;
- (b) “CAO” means the Chief Administrative Officer of the Township;
- (c) “Clerk” means the Clerk of the Township;
- (d) “confidential information” means information or records that are in the possession, in the custody or under the control of the Township that the Township is either precluded from disclosing under the *Municipal Act, 2001* or other applicable legislation, its Procedural By-law or any of its

other by-laws, policies, rules or procedures, or that it is required to refuse to disclose under the *Municipal Freedom of Information and Protection of Privacy Act* or other legislation;

- (e) “conflict of interest” means a situation in which a Member has competing interests or loyalties between the Member’s personal or private interests and his or her public interests as an elected representative such that it might influence his or her decision in a particular matter;
- (f) “Council” means the council for the Township and includes, as the context may require and with all necessary modifications, any of the Township’s committees, agencies, boards or commissions, which are defined as local boards in subsection 1(1) and section 223.1 of the *Municipal Act, 2001*;
- (g) “fiduciary” means the obligation of a person in a position of authority to act on behalf of another, assuming a duty to act in good faith and with care, candour and loyalty in fulfilling this obligation;
- (h) “frivolous” means of little or no weight, worth, importance or any need of serious notice;
- (i) “local board” means any committee, agency, board or commission of the Township, which is a local board as defined in subsection 1(1) and section 223.1 of the *Municipal Act, 2001* and includes a joint board;
- (j) “Mayor” means the head of Council for the Township;
- (k) “meeting” means a regular, special or other meeting of Council or a committee of Council where:
 - (i) a quorum of Members is present, and
 - (ii) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of Council;
- (l) “Member” means a Member of the Council for the Township or a member of a local board, including a member of a joint board if appointed by the Council;
- (m) “non-pecuniary interest” means a private or personal interest that a Member may have that is non-financial in nature and that would be considered by a reasonable person, apprised of all the circumstances, as being likely to influence the Member’s decision in any matter in which the non-pecuniary interest arises, and may include, but is not limited to, an interest that arises from a relationship with a person or entity;

- (n) “parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;
- (o) “spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (p) “staff” means all employees, officers, directors, managers, supervisors and all non-union and union staff, whether full-time, part-time, contract, seasonal or volunteer, as well as agents and consultants acting in furtherance of the Township’s business and interest;
- (q) “Township” means The Corporation of the Township of West Lincoln; and
- (r) “vexatious” means troublesome or annoying in the case of being instituted without sufficient grounds and serving only to cause irritation and aggravation to the person being complained of.

4.0 General Obligations

4.1 In all respects, a Member shall:

- (a) make every effort to act with good faith and care;
- (b) conduct themselves with integrity, courtesy and respectability at all meetings of the Council or any committee and in accordance with the Township’s Procedural By-law or other applicable procedural rules and policies;
- (c) seek to advance the public interest with honesty;
- (d) seek to serve their constituents in a conscientious and diligent manner;
- (e) respect the individual rights, values, beliefs and personality traits of any other person, recognizing that all persons are entitled to be treated equally with dignity and respect for their personal status regarding gender, sexual orientation, race, creed, religion, ability and spirituality;
- (f) refrain from making statements known to be false or with the intent to mislead Council or the public;
- (g) recognize that they are representatives of the Township and that they owe a duty of loyalty to the residents of the Township at all times;
- (h) accurately communicate the decisions of Council and respect Council’s decision-making process even if they disagree with Council’s ultimate determinations and rulings; and

- (i) refrain from making disparaging comments about another Member or unfounded accusations about the motives of another Member.

5.0 The Role of Staff

- 5.1 Council as a whole approves the budget, policies and governance of the Township through its by-laws and resolutions. An individual Member does not direct nor oversee the functions of the staff of the Township.
- 5.2 The Township's staff serve Council and work for the Township as a body corporate under the direction of the CAO. Inquiries of staff from Members should be directed to the CAO or to the appropriate senior staff as directed by the CAO.
- 5.3 A Member shall comply with the Township's Council and Staff Relationship Policy.
- 5.4 A Member shall not publicly criticize staff. If a Member has any issue with respect to any staff member, such issue shall be referred to the CAO who will direct the matter to the particular staff member's appropriate superior.
- 5.5 A Member shall respect the role of staff in the administration of the business and governmental affairs of the Township, and acknowledge and appreciate that staff:
 - (a) provide advice and make policy recommendations in accordance with their professional ethics, expertise and obligations and that a Member must not falsely or maliciously injure the reputation of staff members whether professional or ethical or otherwise;
 - (b) work within the administration of justice and that a Member must not make requests, statements or take actions which may be construed as an attempt to influence the independent administration of justice and, therefore, a Member shall not attempt to intimidate, threaten, or influence any staff member from carrying out that person's duties, including any duty to disclose improper activity; and
 - (c) carry out their duties based on political neutrality and without undue influence from any individual Member and, therefore, a Member must not invite or pressure any member of staff to engage in partisan political activities or be subjected to discrimination or reprisal for refusing to engage in such activities.

6.0 Township or Local Board Property

- 6.1 Council is the custodian of the assets of the Township. The community places its trust in Council and those it appoints to make decisions for the public good in relation to these assets.

- 6.2 By virtue of their office or appointment, a Member must not use or permit the use of the Township's land, facilities, equipment, supplies, services, staff or other resources for activities other than the business of the Township. No Member shall seek financial gain for themselves, family or friends from the use or sale of the Township's intellectual property, computer programs, technological innovations, or other patent, trademarks or copyright held by the Township.

7.0 Gifts and Benefits

- 7.1 Any gift to a Member risks the appearance of improper influence. Gifts may improperly induce influence or create an incentive for a Member to make decisions on the basis of relationships rather than in the best interests of the Township. A Member shall not accept a fee, advance, gift, gift certificate, cash, hospitality or any form of personal benefit connected directly or indirectly with the performance of his or her duties except as provided in Section 7.2. A gift, benefit or hospitality provided with the Member's knowledge to a Member's spouse, child, or parent, or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to that Member. Any doubt concerning the propriety of the gift should be resolved by the Member not accepting or keeping it.
- 7.2 For greater clarity, despite Section 7.1, a Member is entitled to accept any compensation, remuneration or benefits authorized by law but shall not accept any gift or benefit other than in the following circumstances:
- (a) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
 - (b) a political contribution otherwise reported by law, in the case of a Member running for office;
 - (c) services provided without compensation by persons volunteering their time for a charitable or non-profit event;
 - (d) nominal tokens, mementos or souvenirs received as an incident of protocol or social obligation that normally accompanies the responsibilities of elected office or at a function honouring the Member;
 - (e) food, lodging, transportation and entertainment provided by provincial, regional and local governments or any agencies or subdivisions of them or by the federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity as a representative of the Township;
 - (f) entrance fees or food and beverages consumed at banquets, receptions or similar events, if:
 - (i) attendance serves a legitimate municipal business purpose related to the normal business of the Township,

- (ii) the person extending the invitation or a representative of the organization is in attendance, and
- (iii) the value is reasonable and the invitations are infrequent;
- (g) gifts not having a value greater than \$300 in a year and no more than \$100 from an individual, person, corporation, body or entity;
- (h) benefits received as a door prize, raffle or similar draw at an event, conference or seminar attended by the Member; and
- (i) any gift or benefit, if the Integrity Commissioner is of the opinion, before the gift or personal benefit has been accepted, that it is unlikely that receipt of the gift or benefit gives rise to a reasonable presumption that the gift or benefit was given in order to influence the Member in the performance of his or her duties.

7.3 A Member who has received and accepted a gift or benefit pursuant to Section 7.29(a), (f), (g), (h) and (i) shall file a disclosure of the gift or benefit indicating the person, body or entity from which it was received together with the estimated value of the gift or benefit in accordance with the Disclosure Statement set out in Appendix "A". The Disclosure Statement shall be provided to the Clerk within thirty (30) days of the Member receiving or accepting a gift of benefit or when the \$300 annual limited is reached. Such Disclosure Statement shall be a matter of public record.

7.4 A Member shall not seek or obtain by reason of his or her office any personal privilege or advantage with respect to municipal services not otherwise available to the general public and not connected directly or indirectly to the performance of the Member's duties.

8.0 Confidential Information

8.1 Members receive confidential information from a number of sources as part of their work as elected officials. This includes information received in confidence by the Township that falls under the privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and other applicable privacy laws and information received during closed meetings of Council. Examples of types of information that a Member must keep confidential, unless expressly authorized by Council or as required by law, include, but are not limited to:

- (a) matters related to ongoing litigation or negotiation, or that is the subject of solicitor-client privilege;
- (b) information provided in confidence, for example, the identity of a complainant where a complaint is made in confidence;

- (c) price schedules in contract tender or Request for Proposal submissions if so specified;
 - (d) personnel matters about an identifiable individual;
 - (e) “personal information” as defined in the *Municipal Freedom of Information and Protection of Privacy Act*; and
 - (f) any census or assessment data that is deemed confidential.
- 8.2 A Member shall not disclose the content of any confidential information, or the substance of deliberations, of a closed meeting. A Member has a duty to hold any information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. All confidential documents received at a closed meeting are to be turned into the Clerk at the end of the closed meeting. A Member shall not, either directly or indirectly, release, make public or in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or as required by law.
- 8.3 A Member shall not disclose, use or release confidential information in contravention of applicable privacy laws. A member is only entitled to information in the possession of the Township that is relevant to matters before the Council, or a committee. Otherwise, a Member enjoys the same access rights to information as any other member of the community or resident of the Township and must follow the same processes as any private citizen to obtain such information.
- 8.4 A Member shall not misuse confidential information in any way or manner such that it may cause detriment to the Township, Council or any other person, or for financial or other gain for themselves or others.
- 8.5 A Member shall respect the right to confidentiality and privacy of all clients, volunteers and staff, and should be aware of their responsibilities under applicable legislation, Township policies, procedures and rules, ethical standards and, where appropriate, professional standards.
- 8.6 A Member shall not disclose any confidential information received by virtue of his or her office, even if the Member ceases to be a Member.
- 9.0 Discrimination and Harassment**
- 9.1 A Member shall treat all members of the public, one another and staff with respect and without abuse, bullying or intimidation and ensure that their work environment is free from discrimination and harassment.
- 9.2 A Member shall not use indecent, abusive or insulting words, phrases or expressions toward any member of the public, another Member or staff. A Member shall not make comments or conduct themselves in any manner that is

discriminatory to any individual based on the individual's race, colour, ancestry, citizenship, ethnic origin, place of origin, creed or religion, gender, sexual orientation, marital status, family status, disability, age or record of offences for which a pardon has not been granted.

- 9.3 A Member shall comply with the Township's workplace harassment and violence policy.

10.0 Improper Use of Influence

- 10.1 A Member shall not use the influence of their office or appointment for any purpose other than the exercise of his or her official duties in the public interest.
- 10.2 A Member shall not use the status of their position to influence the decision of another person to the private advantage or non-pecuniary interest of themselves, their parents, children or grandchildren, spouse, or friends or associates, or for the purpose of creating a disadvantage to another person or for providing an advantage to themselves.

11.0 Conflicts of Interest

- 11.1 A Member shall seek to avoid conflicts of interest, both pecuniary and non-pecuniary. A Member shall comply with the requirements of the *Municipal Conflict of Interest Act* with respect to obligations relating to pecuniary interests. A Member shall take proactive steps to mitigate any non-pecuniary conflicts of interest in order to maintain public confidence in the Township and its elected officials.
- 11.2 Members are encouraged to seek guidance from the Integrity Commissioner when they become aware that they may have a conflict between their responsibilities to the public as a Member and any other interest, pecuniary or non-pecuniary.

12.0 Council Policies and Procedures

- 12.1 A Member shall observe and adhere to the policies, procedures and rules established from time to time by Council.

13.0 Election Activity

- 13.1 A Member is required to conduct themselves in accordance with the *Municipal Elections Act, 1996* and any of the Township's policies pertaining to elections. The use of the Township's resources, both property and staff time, for any election-related activity is strictly prohibited. Election-related activity applies to the Member's campaign and any other election campaigns for municipal, provincial or federal office.

14.0 Respect for the Code of Conduct

- 14.1 A Member shall respect the process for complaints made under the Code of Conduct or through any process for complaints adopted by the Township. A Member shall not act in reprisal or threaten reprisal against a person who makes a complaint or provides information to the Integrity Commissioner during an investigation. A Member shall interact courteously and respectfully with the Integrity Commissioner and with any person acting under the direction of the Integrity Commissioner.
- 14.2 A Member shall cooperate with requests for information during any investigations or inquiries under the Code of Conduct. A Member shall not destroy or damage documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a complaint has been filed under the Code of Conduct or any process for complaints adopted by the Township.

15.0 Penalties for Non-Compliance with the Code of Conduct

- 15.1 Where Council receives a report from the Integrity Commissioner that there has been a violation of the Code of Conduct by a Member, Council may impose the following penalties on the Member:
- (a) a reprimand; or
 - (b) a suspension of the remuneration paid to the Member in respect of his or her services as a Member for a period up to ninety (90) days.

16.0 Remedial or Corrective Measures or Actions

- 16.1 Council may, on the basis of a recommendation from the Integrity Commissioner, also take any or all of the following corrective or remedial actions, and require that the Member:
- (a) provide a written or verbal apology;
 - (b) return property or make reimbursement of its value or of money spent;
 - (c) be removed from or not be appointed to the membership on a committee of Council;
 - (d) be removed from or not be appointed as chair of a committee of Council; and
 - (e) comply with any other remedial or corrective action or measure deemed appropriate by the Integrity Commissioner.

17.0 Reports before Council

- 17.1 Council receives reports from the Integrity Commissioner as an adjudicative body. Council's only consideration upon the receipt of a report from the Integrity Commissioner is with respect to the imposition of a penalty under Section 15.1 or the imposition of a remedial or corrective measure or action under Section 16.1 and is not entitled to question the investigation, review or assessment of the Integrity Commissioner in preparing the report.

18.0 Legal Fees

- 18.1 A Member is responsible for his or her own legal costs if he or she retains a lawyer or paralegal to provide counsel, advice or representation on any matter related to the Code of Conduct or an inquiry under the *Municipal Conflict of Interest Act*, including, but not limited to, an investigation and the imposition of penalties or remedial or corrective measures or actions by the Integrity Commissioner or a court application under the *Municipal Conflict of Interest Act*.

19.0 Complaint Protocol

- 19.1 The Complaint Protocol – Code of Conduct is Appendix "B" to the Code of Conduct.



APPENDIX "A"
TO THE CODE OF CONDUCT

**DISCLOSURE STATEMENT FOR
GIFTS OR BENEFITS**

Member's Name: _____

Gift Received or Nature of Benefit: _____

Received From: _____

Date of Receipt: _____ Value or Estimate of Gift: _____

Please describe the circumstances under which the Gift or Benefit was received:

Please describe your intentions with respect to the Gift or Benefit:

Do you anticipate transferring the Gift or Benefit described above to the Township or the local board?

Yes, immediately _____ No _____

Member's Signature

Date

COMPLAINT PROTOCOL

PART A - INFORMAL COMPLAINT PROCEDURE

1. Any individual who identifies or witnesses behaviour or activity by a Member that they believe contravenes the Code of Conduct may seek to address the prohibited behaviour or activity themselves in the following manner by following the Informal Complaint Procedure:
 - (a) document the incident(s) where the Member may have contravened the Code of Conduct including dates, times, locations, other persons present, and any other relevant information;
 - (b) advise a third party about the concerns regarding the Member's actions;
 - (c) advise the Member that the behaviour or activity appears to contravene the Code of Conduct;
 - (d) identify to the Member the specific provision(s) of the Code of Conduct that may have been contravened;
 - (e) encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to undertake to refrain from future occurrences of the prohibited behaviour or activity;
 - (f) request the Integrity Commissioner to assist in informal discussion of the alleged complaint with the Member in an attempt to settle or resolve the issue;
 - (g) if applicable:
 - (i) confirm to the Member that his or her response is satisfactory, or
 - (ii) advise the Member that his or her response is unsatisfactory;
 - (h) consider the need to pursue the matter in accordance with the Formal Complaint Procedure set out in Part B, or in accordance with any other applicable judicial or quasi-judicial process or complaint procedure.
2. Individuals are strongly encouraged to pursue the Informal Complaint Procedure as the first means of remedying behaviour or activity of a Member that they believe violates the Code of Conduct.
3. With the consent of both the complaining individual and the Member, the Integrity Commissioner may participate in any informal process. The parties involved are encouraged to take advantage of the Integrity Commissioner's potential role as a mediator/conciliator on issues relating to a complaint.

4. The Informal Complaint Procedure is not a precondition or a prerequisite to pursuing the Formal Complaint Procedure related to the Code of Conduct set out in Part B.

PART B - FORMAL COMPLAINT PROCEDURE

Formal Complaints

- 1.(1) Any individual who identifies or witnesses behaviour or activity by a Member that they reasonably believe contravenes the Code of Conduct may file a formal complaint to request an inquiry by the Integrity Commissioner as to whether a Member has contravened the Code of Conduct in accordance with the following requirements:
 - (a) all complaints shall be in writing on the prescribed form (Formal Complaint Form # 1) and shall be dated and signed by an identifiable individual (the “complainant”);
 - (b) the complaint must set out reasonable and probable grounds for the allegation that the Member has contravened the Code of Conduct and must be accompanied by a supporting sworn affidavit setting out the evidence in full in support of the allegation; and
 - (c) Council may also file a complaint against any of its Members of an alleged contravention of the Code of Conduct by passing a resolution requesting the Integrity Commissioner to undertake an inquiry.
- (2) An elector, as defined in section 1 of the *Municipal Conflict of Interest Act*, or a person demonstrably acting in the public interest (collectively, a “complainant”) may file a formal request that the Integrity Commissioner carry out an inquiry concerning an alleged contravention of section 5, 5.1 or 5.2 of that statute by a Member in accordance with the following requirements:
 - (a) all requests (also referred to as “complaints”) shall be in writing on the prescribed form (Complaint Form # 2), dated and signed by an identifiable individual (the “complainant”);
 - (b) the request shall include a statutory declaration attesting to the fact that:
 - (i) the complainant became aware of the contravention not more than six (6) weeks before the date of the complaint, or
 - (ii) in the case where the complainant became aware of the alleged contravention during the period of time described in paragraph 1 of subsection 223.4.1(5) of the *Municipal Act, 2001*, that the complainant became aware of the alleged contravention during that period of time;
 - (c) Council may also pass a resolution requesting the Integrity Commissioner to undertake an inquiry respecting an alleged contravention of sections 5,

5.1 or 5.2 of the *Municipal Conflict of Interest Act* by a Member and provide a statutory declaration as required by Section 1(2).

- (3) Complainants who file a formal complaint under Sections 1(1) or 1(2) must provide a full and complete record of evidence to the Integrity Commissioner who is under no obligation whatsoever to, but may, seek additional information to supplement or complete the evidentiary record to substantiate or support the allegations set out in the complaint or request.

Filing of Complaint and Classification by Integrity Commissioner

2.(1) The complaint may be filed with:

- (a) the Clerk by hard copy or by e-mail, or
- (b) directly with Integrity Commissioner by a sealed hard copy or email, to the addresses and/or email address(es) set out on the Township's website.

- (2) The Integrity Commissioner shall initially classify the complaint to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code of Conduct and not covered by other legislation or other Council procedures, policies or rules as set out in Section 3 or whether it is a request under sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.

Complaints Outside Integrity Commissioner's Jurisdiction or Not for Investigation

- 3.(1) If the complaint, including the supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the Code of Conduct or the complaint relates to matters addressed by other legislation under another of the Township's procedure, policy or rule, or the request in relation to sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, the Integrity Commissioner shall advise the complainant in writing as follows:

Criminal Matter

- (a) if the complaint is, on its face, an allegation of a criminal nature consistent with the *Criminal Code*, the complainant shall be advised that:
 - (i) the Integrity Commissioner will refer it to the appropriate police service, or
 - (ii) the complainant may pursue it with the appropriate police service if the complainant wishes to pursue any such allegation;

Municipal Freedom of Information and Protection of Privacy Act

- (b) if the complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter must be referred to the Clerk to deal with under its access and privacy policies under that statute;

Other Procedure, Policy or Rule Applies

- (c) if the complaint appears to fall within the scope of another procedure, policy or rule of the Township, the complainant shall be advised to pursue the matter under such procedure, policy or rule with the appropriate municipal official or staff member; and

Lack of Jurisdiction

- (d) if the complaint is, for any other reason not within the jurisdiction of the Integrity Commissioner (for example, it relates to a decision of Council or a local board as a whole and not one or more individual Members), the complainant shall be so advised and provided with any additional reasons and referrals as the Integrity Commissioner considers appropriate.
- (2) If the complaint with respect to non-compliance with the Code of Conduct or the request in relation to sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, relates to any of the following matters, the Integrity Commissioner shall advise the complainant in writing as follows:

Matter Already Pending

- (a) if the complaint is in relation to a matter which is subject to an outstanding complaint under another process such as a court proceeding, a human rights or workplace harassment complaint or similar process, or to a civil matter that is pending before the courts, the Integrity Commissioner may, in his/her sole discretion, suspend any investigation, in whole or in part, pending the result of the other process;

Similar Matter Already Pending

- (b) if the complaint is in relation to a similar matter which is subject to an outstanding complaint before the Integrity Commissioner, the Integrity Commissioner may, in his/her sole discretion, consider the matter in conjunction with the similar matter or deal with it separately, including not undertaking an inquiry if the matter can be adequately addressed in any report and/or recommendations made with respect to the complaint in the similar matter; and

Other Ethical Code or Policy Applies

- (c) if the complaint is in relation to a matter which is governed by a code of conduct, ethical code or similar procedure or policy of another body or entity which also governs the Members (for example, another board, body or committee to which the Member has been appointed), the Integrity Commissioner shall consider the most appropriate forum for the complaint and may, in his/her sole discretion, defer consideration of the matter pending any determination made by the other body or entity and shall so advise the complainant and, if necessary, the Member.

- (3) Nothing in Section 3 precludes the Integrity Commissioner from reporting to Council any matter summarily dismissed or not otherwise investigated.

Limitation Period

- 4.(1) The Integrity Commissioner shall not accept a complaint under the Code of Conduct for which the event giving rise to the complaint occurred or came to the attention of the complainant more than six (6) months prior to the date of the filing of the complaint. The complainant must establish that the event giving rise to the complaint occurred and/or came to the complainant's attention within six (6) months of the complaint being filed in accordance with Section 2.
- (2) The Integrity Commissioner shall not accept a request relating to section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* except in accordance with the requirements of subsections 8(2)-(6) of that statute and section 223.4.1 of the *Municipal Act, 2001*.

Refusal to Conduct Investigation

5. The Integrity Commissioner has discretion as to whether to carry out an investigation. If the Integrity Commissioner is satisfied, after considering the information contained in the complaint, that a complaint:
 - (a) is frivolous or vexatious,
 - (b) is not made in good faith,
 - (c) constitutes an abuse of process,
 - (d) discloses no grounds or insufficient grounds for an investigation, or
 - (e) does not warrant a full investigation,

the Integrity Commissioner shall not be required to conduct an investigation and may summarily dismiss the complaint, and, where this becomes apparent during the course of an investigation, the Integrity Commissioner shall terminate the inquiry and provide notice to the complainant and, if necessary, to the Member. The Integrity Commissioner may report the refusal to conduct an investigation to Council.

Opportunities for Resolution

6. Following receipt and review of a formal complaint or at any time during the investigation where the Integrity Commissioner, in his or her discretion, believes that an opportunity to resolve the matter may be successfully pursued without a formal investigation, and both the complainant and the Member agree, efforts may be pursued to achieve an informal resolution.

Investigation

- 7.(1) The Integrity Commissioner may proceed as follows, except where the Integrity Commissioner has a full factual record and believes, in his or her sole discretion,

that no additional information is required, or where otherwise required by the *Public Inquiries Act, 2009*, or where the Integrity Commissioner has not otherwise terminated the inquiry:

- (a) provide the Member with an outline of the complaint with sufficient particularity to allow the Member to understand the complaint against him or her but the Integrity Commissioner shall not have any obligation to disclose:
 - (i) the identity of the complainant, or
 - (ii) the identity of any witnesses set out in the complaint or persons that are questioned/interviewed by the Integrity Commissioner,unless it is essential for the Member to adequately respond to the complaint, which determination shall be made in the Integrity Commissioner's sole and absolute discretion;
 - (b) request that the Member provide a written response to the allegations in the complaint to the Integrity Commissioner within ten (10) days;
 - (c) provide a copy of the Member's response to the complainant with a request that any written reply be provided by the complainant to the Integrity Commissioner within ten (10) days; and
 - (d) extend the timelines set out above if the Integrity Commissioner deems it necessary to do so in his or her sole and absolute discretion.
- (2) If necessary, after reviewing the submitted materials, the Integrity Commissioner may contact and speak to or correspond with any other persons, access and examine any other documents or electronic materials, including any materials on the Township's computers and servers, and may enter any municipal work location relevant to the complaint for the purpose of investigation and potential resolution.
 - (3) The Integrity Commissioner may, but is under no obligation, to provide the Member with a draft of the proposed draft report on the complaint.
 - (4) 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 an opportunity to comment to the Integrity Commissioner in writing on any preliminary or proposed finding(s).
 - (5) The Integrity Commissioner may, but is under no obligation, to advise either the Member or the complainant of any proposed sanction or recommendation the Integrity Commissioner may include in the report to Council.
 - (6) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction, intimidation, delay, reprisal or retaliation by the Member or by any other person encountered during the formal complaint investigation.

- (7) The Integrity Commissioner is entitled to make such additional inquiries and provide such additional reports to Council where necessary and as required to address any instances of non-compliance with any decision of Council including the failure to comply with any penalties or corrective measure or actions imposed by Council.
- (8) The Integrity Commissioner shall retain all records related to the complaint and investigation but may provide copies of certain records, in confidence, to Township administrative staff who are required to ensure that any such records are securely and confidentially retained.

No Complaint Prior to Municipal Election

- 8.(1) Notwithstanding any other provision of this Complaint Protocol, no complaint may be filed with the Integrity Commissioner, no report shall be made by the Integrity Commissioner to Council during the period of time starting on nomination day for a regular municipal election year, as set out in section 31 of the *Municipal Elections Act, 1996* and ending on the voting day in a regular election as set out in section 5 of the *Municipal Elections Act, 1996*.
- (2) If the Integrity Commissioner has received a complaint and has commenced an inquiry but has not completed the inquiry before nomination day in a regular municipal election year, the Integrity Commissioner shall terminate the inquiry on nomination day but may commence an inquiry in respect of the same complaint if within six (6) weeks after the voting day in a regular municipal election the individual who made the request makes a written request to the Integrity Commissioner in accordance with subsection 223.4(8) of the *Municipal Act, 2001*.

Advice Provided to Member by Integrity Commissioner

- 9.(1) Subject to Section 9(2), a Member is entitled to rely upon any written advice given by the Integrity Commissioner to the Member respecting the Code of Conduct in any subsequent consideration of the conduct of the Member in the same matter provided that the Member fully disclosed in writing all relevant facts known to him or her to the Integrity Commissioner and acted in accordance with the written advice provided by the Integrity Commissioner.
- (2) If the Integrity Commissioner applies to a judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the Member contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, the Member is entitled to advise the judge of any written advice given by the Integrity Commissioner provided that the Member fully disclosed in writing all relevant facts known to him or her to the Integrity Commissioner and acted in accordance with the written advice provided by the Integrity Commissioner.
- (3) A Member under investigation by the Integrity Commissioner shall not request advice from the Integrity Commissioner as to the Member's rights under the Code of Conduct, the *Municipal Conflict of Interest Act* or generally at law with

respect to any matter that the Integrity Commissioner is investigating or reviewing with respect to the Member, nor is the Member entitled to rely upon any statement(s) made by the Integrity Commissioner during the course of any investigation or review that may impact the Member's rights under the Code of Conduct, the *Municipal Conflict of Interest Act* or generally at law.

- (4) All requests for written advice under Section 9 shall be made directly in writing to the Integrity Commissioner by sealed envelope mailed or delivered to the Integrity Commissioner or by email from a member's Township email.
- (5) The advice provided by the Integrity Commissioner to the Member shall be in writing if the Member seeks to rely upon such advice. No solicitor/client relationship will be created by the Integrity Commissioner's provision of written advice to a Member.

Authority to Abridge or Extend

- 10.(1) Notwithstanding any requirement, obligation or timeline, set out in the Code of Conduct or this Complaint Protocol, the Integrity Commissioner shall retain the right to abridge or extend any provision therein in the public interest.

Investigation Report

- 11.(1) The Integrity Commissioner shall report to the complainant and the Member no later than ninety (90) days after the official receipt of any complaint under the Code of Conduct. If the investigation process is anticipated to or takes more than ninety (90) days, the Integrity Commissioner shall provide an interim report to Council and must advise the parties of the approximate date the report will be available. The Integrity Commissioner may also, at his or her discretion, advise any witnesses or other persons of the approximate date the report will be available.
- (2) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining the findings, the terms of any settlement and/or any recommended remedial or corrective measure or action.
- (3) The Integrity Commissioner may provide a copy of the report to the complainant and the Member whose conduct has been investigated in advance of the public release of the report, in strict confidence until the report is publicly released. The Member shall have the right to address the report if it considered by Council.
- (4) Where the complaint is not sustained, the Integrity Commissioner is not obligated to report to Council on the result of the investigation or any findings but may do so at his/her discretion and may also include such information as he/she deems necessary in a report or as part of an annual or other periodic report by the Integrity Commissioner.

- (5) The Integrity Commissioner shall complete the investigation under the *Municipal Conflict of Interest Act* no later than one hundred and eighty (180) days after the official receipt of any complaint validly made under Section 1(2) of this Part.

Findings

12.(1) If the Integrity Commissioner determines that:

- (a) there has been no contravention of the Code of Conduct, or section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*, or
- (b) a contravention occurred but:
 - (i) the Member took all reasonable measures to prevent it, including having sought and followed the advice of the Integrity Commissioner;
 - (ii) it was trivial,
 - (iii) it was committed through inadvertence, or
 - (iv) it resulted from an error in judgment made in good faith,

the Integrity Commissioner may so state in the report and may make appropriate recommendations pursuant to the *Municipal Act, 2001*, including but not limited to, a recommendation of no penalty.

(2) If the Integrity Commissioner:

- (a) considers it appropriate, once he or she has concluded the investigation under Section 1(2) of this Part, he or she 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 statute; or
- (b) does not proceed with an application to the judge, he or she shall so advise the complainant and the Member in writing.

(3) The Integrity Commissioner shall provide a written report to Council providing the reasons for his or her decision under Section 12(2).

Report to Council

13.(1) Upon receipt of a report from the Integrity Commissioner with respect to the Code of Conduct, the Clerk shall place the report on the next regular agenda of Council for consideration by Council and Council must consider the report at that meeting and may accept or refuse the recommendations set out in the report and accept, refuse or vary any penalties or sanctions contained in the report.

- (2) A report from the Integrity Commissioner may also be considered by Council in advance of its next regular meeting should Council agree to hold a special or other meeting before its next regular meeting to consider the report.

Duty of Council

14. Council shall consider and make a determination on the Integrity Commissioner's report under Section 13 at the same meeting at which the report is tabled.

Public Disclosure

- 15.(1) The Integrity Commissioner and every person acting under his or her jurisdiction shall preserve confidentiality where appropriate and where it does not interfere with the course of any investigation, except as required by law and as required by this Complaint Protocol.
- (2) The Integrity Commissioner shall retain all records related to the complaint and investigation although copies may be provided to the Township's administrative staff, subject to the duty of confidentiality under subsection 223.5 of the *Municipal Act, 2001*.
- (3) The identity of the Member who is the subject of the complaint shall not be treated as confidential information in the Integrity Commissioner's report to Council. The identity of the complainant and of any other person, including any witnesses, may be disclosed if deemed appropriate and necessary by the Integrity Commissioner or if consented to by the complainant or any other person.
- (4) All reports from the Integrity Commissioner to Council shall be made available to the public by the Clerk.

Delegation by Integrity Commissioner

16. The Integrity Commissioner may delegate in writing to any person, other than a Member of Council, any of the Integrity Commissioner's powers and duties under Part V.1 of the *Municipal Act, 2001*.

Complaint Protocol Applicable to Local Boards and Members

17. The provisions of this Complaint Protocol shall apply, *mutatis mutandis*, to all local boards of the Township and their members.

Code of Conduct — Formal Complaint Form # 1
AFFIDAVIT

I, _____,
(first and last name)

of the Township of West Lincoln in the Province of Ontario.

MAKE OATH AND SAY (or AFFIRM):

1. I reside at:

_____;

my telephone number is: _____;

my email address is: _____.

2. I have reasonable and probable grounds to believe that:

_____ (specify name of Member),

a member of the Council of The Corporation of the Township of West Lincoln or a
local board of the Township, has contravened section(s) _____ of
the Code of Conduct of the Township of West Lincoln. The particulars of which
are attached hereto.

3. Facts constituting the alleged contravention (use separate page if required)

This affidavit is made for the purpose of requesting that this matter be reviewed and/or investigated by the Township of West Lincoln's Integrity Commissioner and for no improper purpose.

SWORN (or AFFIRMED) before me at the)
the _____ of _____)
on the _____ day _____)

(Signature)

A Commissioner for taking affidavits etc.

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

Municipal Conflict of Interest Act – Complaint Form # 2**STATUTORY DECLARATION**

I, _____,
(first and last name)

of the Township of West Lincoln in the Province of Ontario.

I SOLEMNLY DECLARE THAT:

1. I reside at: _____;
my telephone number is: _____;
and my email address is: _____.

2. I have reasonable and probable grounds to believe that:
_____ (specify name of Member),

a member of the Council of The Corporation of the Township of West Lincoln or a
local board of the Township, has contravened section(s) _____
of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50. The particulars of
which are attached hereto.

3. I became aware of the facts constituting the alleged contravention not more than
six (6) weeks ago and they comprise the following:
(use separate page if required)

This declaration is made for the purpose of requesting that this matter be investigated by the Township of West Lincoln's Integrity Commissioner and for no improper purpose.

DECLARED before me at the)
)
the _____ of _____)
)
on the ____ day _____)

(Signature)

A Commissioner for taking affidavits etc.

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

TITLE: Tendering & Purchasing
POLICY NO: POL-T-01-2015 (Amended October 26, 2020)
REPEALS NO: POL-T-01-2010
EFFECTIVE DATE: December 1, 2015
AMENDMENT EFFECTIVE: October 27, 2020

POLICY STATEMENT: That principles and guidelines be established for the procurement, purchase, rental or lease of those goods and services required by the Corporation of the Township of West Lincoln.

PURPOSE:

- (a) To acquire the necessary quality and quantity of goods and services required by the Township of West Lincoln in an efficient and cost effective manner, maximizing savings for taxpayers.
- (b) To encourage open competitive bidding on all acquisitions and disposal of goods and services made by the Township of West Lincoln.
- (c) To acquire the necessary goods and services with due regard to the preservation of the natural environment and to encourage the use of environmental friendly goods, services and construction.
- (d) To ensure acquired goods and services are accessible to staff and the public as applicable and as defined by the Accessibility for Ontarians with Disabilities Act, 2005 and its Accessibility Standards and Regulations.
- (e) To delegate the appropriate level of authority to enable Township departments to meet service requirements.

I. DEFINITIONS:

- 1.1 "Competitive Method" means an acquisition method where vendors are given an equal opportunity to submit bids in accordance to Township policy and procedures.
- 1.2 "Contract" means any binding agreement for supplies, goods, services, equipment or construction.
- 1.3 "Council" means the Council of the Corporation of the Township of West Lincoln.
- 1.4 "CAO" means Chief Administrative Officer of the Township.
- 1.5 "Department Head" means any person appointed to be responsible for the operation of any department within the Corporation of the Township of West Lincoln as designated in Schedule "A" or as designated by the CAO.

- 1.6 "Emergency" means a situation, or the threat of an impending situation, which may affect the environment, the life, safety, health and/or welfare of the general public, or is likely to cause significant loss or damage to the property of the Township or the residents of the Township or to prevent serious damage, disruption of work, or to restore or to maintain essential services to a minimum level.
- 1.7 "Goods & Services" includes all materials, commodities, equipment and all work to be performed or services rendered by other than Township employees.
- 1.8 "Improper Bid" means a limited or conditional bid that modifies or that otherwise does not meet some important term or condition of the tender invitation and it may disqualify the tender.
- 1.9 "Negotiation" means an acquisition method whereby the Township may confer with one or more vendors and award a contract.
- 1.10 "RFP" Request for Proposal means a process where a need is identified, but how it will be achieved is unknown at the outset. The process allows vendors to propose solutions or methods to arrive at the end product.
- 1.11 "Invited Tender" means written or formal offers submitted by a number of specific vendors, as selected by the Township, for the purpose of supplying stipulated goods or services at a competitive price.
- 1.12 "Purchase Order" means a written offer to purchase goods and services on behalf of the Township.
- 1.13 "Quote" means an offer or submission made by the Township and directed towards a limited, pre-selected number of vendors, consultants or contractors.
- 1.14 "Tender" means a written formal offer submitted by any Member of the Public, in response to an invitation, or a particular form, to supply stipulated goods or services at a particular price.
- 1.15 "Township" means the Corporation of the Township of West Lincoln.
- 1.16 "Clerk" means the Clerk of the Township or Designate
- 1.17 "Treasurer" means the Treasurer of the Township or Designate
- 1.18 "Blanket Order" means the agreement wherein a vendor will sell certain goods and/or services to the Township on an "as and when required" basis for Township wide locations for a defined period of time at an established price, under set terms and conditions.
- 1.19 "Irregular Result" means that where competitive quotes or proposals are submitted and any of the following has occurred:
 - a) No bids received

- b) Two or more identical low bids have been received
- c) The lowest bid exceeds the estimated cost or budget allocation
- d) For any reason the award of the contract to or the purchase from the lowest vendor is considered inappropriate

II. PURCHASING GUIDELINES:

The Township of West Lincoln Council has ultimate authority for all expenditures. Council delegates this authority by the authorization of the annual budget. This purchasing policy provides guidelines outlining how spending authority is used.

The Accessibility Checklist, as prepared by the Joint Accessibility Advisory Committee (JAAC) and amended from time to time by the JAAC, shall be used by staff as a tool and guideline when purchasing, where applicable, in order to incorporate accessibility criteria in purchasing decisions.

- 2.1 All goods and /or services required for the purposes of the Township, shall be purchased and disposed of in accordance with the provisions of this Policy save and except only those goods and /or services listed below:
- a) Professional Development and Training
 - b) Memberships
 - c) Refundable Employee Expenses (travel, meal allowances)
 - d) Utilities
 - e) Petty Cash Items
 - f) General Expenses (payroll deductions remittances, vehicle licenses, damage claims, postage, insurance, employee benefits)
 - g) Legal or Paralegal fees, and other Professional Services related to litigation or potential litigation, or the provision of legal advice
 - h) Items purchased on an emergency basis in accordance with Section 4.6 of this policy.

PURCHASE ORDERS:

- 2.2 The acquisition of goods and services on behalf of the Township shall be authorized by purchase order approved by those individuals as designated within this policy; save and except that purchase orders shall not be required for purchases under \$5,001
- 2.3 The purchase of supplies from local competing businesses shall be done on an equitable basis, whenever possible, provided such purchases are reasonably cost effective. This shall be defined as “when all bids are equal in terms of quantity, quality and price, the Township will give preference to the local supplier”.
- 2.4 Blanket Orders

Where goods and services of a similar type are supplied on a repetitive basis from one or more suppliers either over a period of time in a calendar year or over the course of a season, those goods and services shall be purchased in accordance with the provisions

of this policy. The applicable process will be based upon the estimated annual expenditure.

As it is the Township's intention to award this contract to one vendor, vendors are encouraged to bid on all items. Vendors may bid on one item **or** more than one item. Preference will be given to vendors who can provide pricing on all items.

- 2.5 Tender and quotation requirements shall incorporate energy efficiency into the criteria for selection of materials and equipment.

III. NO DIRECT PURCHASING OF SERVICES OR SUPPLIES:

- (a) Unless otherwise directed, no personal purchases shall be made by the Township for Members of Council, any appointed Member of a Board or Committee or any Township Employee, unless authorized by the CAO.
- (b) No service or supply of goods shall be purchased by the Township or by a local board or committee established by the Township from:
 - (i) an employee of the Township or an employee of a local board or committee,
 - (ii) a member of council or a member of a local board or committee, or
 - (iii) a parent, spouse, child or sibling of an employee, of a member of council or of a member of a local board or committee.", unless authorized by the CAO. In such cases the CAO may find it is in the best interest of the Township to allow such a purchase if the following criteria are met:

There is no other local supplier of the good and service and buying other than local would result in considerable cost to the Township. Where an employee is involved in such an award, the employee shall:

- a) Immediately disclose the nature of their interest to the CAO
- b) Not take part in the awarding of the contract
- c) Not attempt in any way to influence the award to the contract

IV. AUTHORITY TO INCUR EXPENDITURES:

The dollar limits below refer to invoice cost exclusive of taxes, but inclusive of delivery charges. No purchase shall be divided in order to avoid the application of this policy.

- 4.1 Purchases of \$0 to \$5,000 may be made directly by those Employees so designated in writing by the Department Head. For the purposes of this policy those positions as designated in Schedule "A", attached shall be considered Department Heads. Each purchase by the Employee shall be authorized by his/her signature and approved by the applicable Department Head. Each purchase shall be supported by a receipt identifying the item or service purchased.

- 4.2 Purchases from \$5,001 to \$20,000 shall be made only by those staff as listed in Schedule "B" attached to this Policy. At least three (3) written quotations should be obtained and copies should be attached to the Purchase Order.
- 4.3 (a) Purchases from \$20,001 to \$100,000 are to be authorized by the CAO based upon issuance of a tender or request for proposal as deemed appropriate. In the case of an "irregular result", as defined above in item 1.19, authorization for the purchase will be through Council resolution.
- (b) Notwithstanding the provisions contained in Section 4.3(a) above relating to an "irregular result", the CAO shall be the approval authority if it is determined that Council is restricted from taking actions in accordance with the provisions of Section 275 of the Municipal Act.
- 4.4 Purchases over \$100,000 shall be publicly tendered in accordance with the tendering requirements as set out in this policy unless specifically directed otherwise by Council resolution and awarding of the tender or requests for proposal shall be approved by resolution of Council.
- 4.5 In the case of an emergency that requires an immediate purchase of supplies and services it will be the responsibility of the Department Head to secure the necessary supplies and services. In the case of emergency expenditures of over \$25,000.00, a full report will be submitted to the appropriate standing Committee of Council setting out the details of the supplies and services required and the emergency nature of the circumstances that required their immediate purchase.
- 4.6 Prior to current budget approval all West Lincoln Township Departments, Boards and Agencies shall be allowed to incur costs in each account to a level of not more than thirty-five (35%) percent of the expenditure budget of the preceding year provided such expenditure conforms with the guidelines as set out in this policy where applicable.

V. TENDERING GUIDELINES:

- 5.1 When a public tender is required in accordance with Section 4.5 of this policy, it shall be done by public advertisement unless otherwise specifically directed by Council. Advertising will be done in the local newspaper and such other publications as, in the direction of the Department Head and Treasurer; will attract the largest number of competent bidders.
- 5.2 The tender advertisement shall contain the following information:
- (a) the name of the Municipality
 - (b) the contract number, if any
 - (c) the type of work to be done
 - (d) the official designated to receive responses
 - (e) the time and date of closing
 - (f) the location of the work and/or the location where plans and specifications may be obtained
 - (g) the administrative fee, if any, for document contracts
 - (h) the type of security that must accompany the tender (ie: agreement to bond, bid deposit)

- (i) the time and place of the tender opening
 - (j) information that the lowest or any tender will not necessarily be accepted
 - (k) the availability of the tender in alternative formats and/or accessible communication support, upon request.
- 5.3 Unless otherwise directed by the Department Head, a minimum of 7 (seven) business days from the date of the publication of a tender invitation shall be permitted for the submission of tenders.
- 5.4 Unless otherwise directed, all tenders shall be addressed to the Clerk and shall be submitted in sealed envelopes, bearing the name and address of the submitter, the applicable contract number or designation of the particular tender that is being bid on.
- 5.5 On those occasions when tenders are to be received by the Clerk and an invitation for submission of tender has been issued, it shall be the responsibility of the issuing Department Head to provide written notification thereof to the Clerk.

VI. TENDERING REQUIREMENTS:

- 6.1 The Department Head shall supply each perspective bidder with the following information for each contract:
- (a) One copy of the official tender form
 - (b) One tender envelope
 - (c) Terms and conditions of the specific tender
 - (d) Tender specifications

Tender documents for construction contracts, may, in addition to the above, also include:

- (a) Drawings and plans
 - (b) Agreement Documents
 - (c) Contract Securities
 - (d) Evidence of good standing with the Workplace Safety and Insurance Board
 - (e) Liability insurance and certificates
 - (f) Occupational Health and Safety Policies
 - (g) Accessibility for Ontarians with Disabilities Act (AODA) requirements.
- 6.2 Bid deposits may be required at the discretion of the Department Head. If a deposit is required it shall be not less than 10% of the total bid on the contract price or on such other amount as may be deemed appropriate by the Department Head. Bid deposits shall be by certified cheque or cash. If a cash bid deposit is received a receipt shall be immediately issued. The Township does not pay interest on any bid deposits.
- 6.3 If it is recommended by the Department Head that security to guarantee the completion of the contract is required, this security shall be in the form of a Performance Bond issued by an approved bonding company or in the form of a Letter of Credit. The Performance Bond or Letter of Credit shall be for an amount equal to 100 (%) percent of the amount of the tender unless otherwise specifically directed by the Department

Head. All bonds must be originals, signed and sealed. No faxed or photocopies will be accepted.

- 6.4 The Department Head shall maintain a list of the names and addresses of all bidders who pick up tender documents in order that all such perspective bidders can be notified in case of the following:
- (a) Addendum to the tender document
 - (b) Extension of time for the tender closing
 - (c) Cancellation of tender process
- 6.5 Bidder inquiries should be faxed by the bidder to the Department Head or Designate. These questions and their respective answers will be written and issued to all potential bidders prior to closing. Any questions and answers occurring during the bidders' meetings, site visits or information sessions will be treated in the same fashion, where possible.

VII. TENDER PROCEDURES:

- 7.1 All tenders shall be received by the Clerk or designate and shall be initialed and stamped with the time and date when received. Such tender shall remain sealed and shall be placed in a locked box designated for tenders and shall remain there until the hour designated for the opening of the tenders.
- 7.2 Upon the passing of the final hour for the submission of tenders, all tenders received on or before the designated hour of closing shall be opened publicly by the Clerk and Department Head at the main administration building. Any tender received after the designated hour of closing shall be initialed, time and date stamped, and returned unopened to the Tenderer.
- 7.3 A bidder may withdraw their tender prior to closing time. Withdrawal requests shall be directed to the Clerk by letter, facsimile, or in person. All Withdrawal requests made in person shall require a written withdrawal request. Tenders withdrawn prior to closing shall be returned unopened to the bidder.
- 7.4 The withdrawal of a tender does not disqualify a bidder from submitting another tender on the same contract as long as it meets all of the conditions as set out in this policy.
- 7.5 Withdrawal requests received after the closing time shall not be considered.
- 7.6 It shall be the responsibility of the Department Head to ensure that at least 2 Township Officials are present at each tender opening meeting following the closing of tenders.
- 7.7 At the tender opening meeting the following information shall be stated by the Clerk:
- (a) The name of the tender and/or the municipal contract number
 - (b) The name of each Bidder
 - (c) Confirmation of appropriate bid deposit and/or agreement to bond/
 - (d) Unless requested otherwise by the Department Head the lump sum dollar amounts submitted by the tenderer for the entire contract.

- 7.8 If more than 1 tender is read out under the same name for the same contract and no withdrawal notice has been received, the tender contained in the envelope bearing the time closest to the closing hour for the particular tender shall be considered to be the intended bid. The other tenders received from that bidder shall be considered withdrawn.
- 7.9 During the tender opening meeting any tender that is received could be designated "improper" for any of the following reasons:
- (a) Proper tender form or envelope is not used.
 - (b) Unsealed Envelopes
 - (b) Bids are not completed in the manner as prescribed by the tender.
 - (c) Part bids are submitted when the tender form clearly states that one award is to be made for the entire contract.
 - (d) The bid has been qualified or restricted in some manner that is not in accordance with the requirements as set out by the tender.
 - (e) The bid has not been signed /or not been sealed by the bidder.
 - (f) The bid deposit has not been submitted or is of an insufficient amount.
 - (g) The Agreement to Bond has not been submitted when required.
 - (h) Accessibility requirements are not appropriately addressed.
 - (i) Failure to attend mandatory site meeting, if required.
 - (j) Unit prices have been changed but not initialed and the contract totals are not consistent with the prices as amended.
- 7.10 Bids designated as improper at the tender opening meeting shall be referred to the Department Head to be dealt with in accordance with Section 7.13 of this policy.
- 7.11 Where deposit cheques have been requested and received in respect to any tender all such deposit cheques shall be immediately given over to the Treasurer or Deputy Treasurer upon completion of the tender opening meeting, with the exception that deposit cheques may, if authorized by the Department Head, be immediately returned to the tenderer other than the low and second lowest bidders. Tender deposit cheques given over to the Treasurer or Deputy Treasurer, with the exception of the low and second low Tenderer, shall be returned to the Tenderers as soon as possible following the Council's decision to award the contract for the particular Tender in question.
- 7.12 When all Tenders pertaining to a contract have been opened, they together with all the pertinent materials and/or documents shall be immediately passed on to the custody of the Department Head to which the particular Tender applies.
- 7.13 Following completion of the Tender opening meeting all bids received will be checked for infractions and a subsequent decision will be made by the Department Head as to whether "improper bids" received are to be accepted or rejected.
- 7.14 After a decision has been made on improper bids the Department Heads shall prepare a recommendation report to the designated standing Committee of Council.
- 7.15 After the recommendation report referred to in Section 7.14 has been dealt with by the appropriate standing committee and Council, rejected tenders may be returned to the bidders by registered mail or by hand.

VIII. AWARDING OF CONTRACTS:

- 8.1 A contract for a particular tender or RFP which exceeds \$100,000 may be finally executed by the Mayor and Clerk and the successful bidder upon Council approval of the recommendation to accept the bidder for the particular contract in question and the passing of a By-law to authorize the signing of the contract by the Mayor and the Clerk. Tenders and RFPs awarded up to \$100,000 shall be executed by the CAO.
- 8.2 The Department Head shall with all reasonable efforts ensure that Tenderers who bid on a particular contract are informed of the Council decision on the awarding of the contract as soon as possible following Council approval to award the contract.
- 8.3 Bid deposit cheques held by the Treasurer or Deputy Treasurer for the successful tenderer and the tenderer who would next be selected, shall be returned at a time and in the manner as prescribed by the Treasurer.
- 8.4 When a tender has been awarded in accordance with this policy, the payment for work performed or material supplied shall be made as per the conditions set out in any formal contract entered into between the Council and the successful bidder.

IX. REQUEST FOR PROPOSALS (RFP) PROCESS:

- 9.1 The Request for Proposal (RFP) process shall be used when the goods or services cannot be specifically stipulated or when alternative methods are being sought to perform certain functions or services. The selection of the supplier is based on the effectiveness of the proposed solution rather than on price alone.
- 9.2 The Department Head shall prepare the Terms of Reference for the RFP and the CAO shall review the documents prior to the issuance of any RFP.
- 9.3 All RFP's shall disclose the evaluation criteria that will be used to make an Award. All RFP's shall contain clear evaluation criteria including, but is not limited to factors such as qualifications and experience, strategy, approach, methodology, scheduling, past performance, facilities, equipment and pricing. Weighting of the criteria will be the responsibility of the Department Head.
- 9.4 All RFP's shall be advertised in accordance with Section 5 of this policy.
- 9.5 The CAO and applicable Department Head shall review all proposals against the established criteria, reach consensus on the final rating results and ensure that the final rating results, with supporting documents, are kept in the respective procurement file.
- 9.6 If the successful proposal has a pricing exceeding \$100,000, or there is an irregular result as described in point 1.19, the Department Head will prepare a report to Council for approval.

X. PURCHASE BY NEGOTIATION:

- 10.1 The Department Head may purchase by way of a negotiation and, in such cases, the requirements for public tendering may be waived. Approval is only considered after the completion of the information appearing on Schedule "C". Approval to purchase by negotiation is permitted under the following conditions:
- (a) When in the judgment of the Department Head, the goods required are in short supply due to market conditions.
 - (b) Where there is only one source or a limited source of supply for the goods or services required.
 - (c) Where two or more identical bids have been received on a public tender.
 - (d) When all bids received failed to meet the specifications or tender terms and it is impractical to recall tenders.
 - (e) When the lowest bid meeting specifications of tender is excessive and it is impractical to recall tenders.
 - (f) No bids are received on a formal quotation, tender or request for proposal call.
 - (g) When an unsolicited offer has been received, which in the opinion of the Department Head is more competitive than market prices?
 - (h) When required supplies must be compatible with equipment presently being used.
 - (i) A record of all information pertinent to the results of all such negotiations shall be maintained by the Department Head.

XI. HEALTH AND SAFETY:

- 11.1 It shall be the responsibility of any successful bidder entering into a formal contract with the Council to ensure that the health and safety of workers on the project for which the contract is signed is protected.
- 11.2 In accordance with Section 11.1 of this policy the Council shall require every successful bidder to acknowledge a responsibility to abide by the measures and procedures prescribed in the Occupational Health and Safety Act and the regulations applied under the act.
- 11.3 Where practical all purchase orders used to obtain goods and services purchased in accordance with the terms of this policy shall contain a statement that suppliers abide by any applicable regulations under the Occupational Health and Safety Act and the Accessibility for Ontarians with Disabilities Act, 2005.
- 11.4 All successful bidders who enter into a contract with the Council for the provision of particular goods and services shall also be required to comply with any applicable health and safety requirements as set by Council policy.

XII. SURPLUS AND OBSOLETE ASSETS:

The disposal of Information Technology Assets is addressed under the IT Asset Disposal Policy. The following pertains to all other assets.

- 12.1 Staff shall advise their Department Head of any goods, equipment or other assets that are obsolete, damaged, or surplus to the Department's needs.
- 12.2 Surplus lists must be approved by the Chief Administrative officer before disposal of goods or equipment.
- 12.3 All obsolete, damaged or surplus assets shall first be offered to other Departments within the Corporation, after which, the appropriate Department Head may dispose of such assets through public auction.
- 12.4 If a surplus or obsolete asset has an estimated market value less than \$300, the Department Head may dispose of the asset in any other suitable manner, including by donation to a not-for-profit organization, employee auction, or as scrap.
- 12.5 No surplus assets shall be sold directly to an employee or to an elected official, although this does not prohibit any employee or elected official from purchasing surplus assets being sold through a public process.
- 12.6 A Department Head who declares an item surplus shall not subsequently acquire the asset.

XIII. REVIEW AND EVALUATION:

This policy shall be reviewed by appropriate Township Staff at least every five (5) years to determine its continued effectiveness based upon the following considerations:

- (1) Its ability to meet current legislative requirements.
- (2) The appropriateness of existing limits on authority to incur expenditures.
- (3) Tendering guidelines and requirements.
- (4) Frequency of use and rationale for obtaining Council approval to bypass tender process.
- (5) Effect of any applicable court decisions on existing tender procedures.
- (6) Effectiveness of existing controls on in-house purchasing.

Any amendments that may be required as a result of the above noted review will be presented to Council as soon as possible following completion of the review.

SCHEDULE “A”

DESIGNATED DEPARTMENT HEADS FOR THE PURPOSES OF POLICY **(POL-T-01-2015, As Amended)**

CAO

Treasurer/Director of Finance

Director of Public Works & Engineering

Director of Planning & Building

Clerk

Fire Chief

Chief Librarian

SCHEDULE “B”

PURCHASING AUTHORITY FOR THE PURPOSE OF POLICY (POL-T-01-2015, As Amended)

Dollar Value	Procedure	Purchasing Authority	Document Execution Authority
\$0 to \$5,000	Cheque Requisition	Department Heads Deputy Treasurer, Deputy Clerk, Chief Building Official, Deputy Fire Chief, Coordinator of Recreation Services, Coordinator of Engineering Services Manager of Roads/Water & Wastewater Supervisor of Arena and Parks IT Administrator Supervisor of Administrative Services, Supervisor of Tech Services and Supervisor of Library Programs	Department Head or Designate
\$5,001 to \$20,000	Three (3) Quotes	Department Heads	Department Head or Designate
	Irregular Result	CAO	
\$20,001 to \$100,000	Tender	CAO	CAO
	Irregular Result	Council	CAO
	Irregular Result	CAO (* Exception – see Note below)	CAO
\$100,001+	Tender	Council	Mayor and Clerk

*** EXCEPTION NOTE:**

4.3 (b) Notwithstanding the provisions contained in Section 4.3(a) above relating to an “irregular result”, the CAO shall be the approval authority if it is determined that Council is restricted from taking actions in accordance with the provisions of Section 275 of the Municipal Act.

SCHEDULE "C"

APPROVAL TO NEGOTIATE POL-T-01-2015, As Amended CLAUSE X. PURCHASE BY NEGOTIATION

A Department Head may purchase by way of negotiation and, in such cases, the requirement for public tendering may be waived. Prior approval must be obtained to do so through the completion of this form.

Date: _____ Department: _____

Requestor: _____ Requisition Amount: _____

Vendor Name: _____ Vendor Address: _____

Vendor Phone No: _____ Vendor Fax No: _____

Is this a new vendor: Yes No

Briefly describe the product/service requested, its function and what it will be used for:

Justification – Initial all items that apply

_____ Goods required are in short supply due to market conditions.

_____ There is only one source, or a limited source of supply for the goods or services required.

_____ Two or more identical bids have been received on a public tender.

_____ All bids received failed to meet the specifications or tender terms and it is impractical to recall tenders.

_____ The lowest bid meeting specifications of tender is excessive and it is impractical to recall tenders.

_____ No bids are received on a formal quotation, tender or request for proposal call.

_____ An unsolicited offer has been received, which is more competitive than market prices.

_____ Required supply must be compatible with equipment presently being used.

I recommend that the Competitive procurement method be waived and that the Department Head enter into negotiations with the above noted vendor.

Requestor: _____
Name Signature

Approval by CAO: _____
Name Signature