



Council Approved: June 2023

City of Niagara Falls Code of Conduct for Members of Council

PREAMBLE

Niagara Falls City Council Members have the privilege of attaining elected office. That privilege carries significant responsibilities and obligations with respect to the public trust. In order to strengthen the role of Council and to enhance public trust with respect to the obligations of its Members, this Code is established to govern and regulate the ethical conduct of all Members and also supplements existing superior legislation, municipal by-laws and related corporate policies that govern Members' conduct.

1. PURPOSE AND PRINCIPLES

- 1.1 The Code sets out and identifies the City's expectations for its Members and establishes rules for appropriate conduct.
- 1.2 The public expects the highest moral and ethical standards of conduct from Members that it elects. The behavior and actions of Members is expected to reflect the principles of accountability, transparency, and public trust. Adherence to these standards will protect and maintain the City's reputation and integrity.
- 1.3 The key statements of principle that underline this Code are as follows:
 - (a) the decision-making process of Council is open, accessible and equitable and respects the City's governance structure;
 - (b) public office is not to be used for the personal financial benefit of any Member;
 - (c) City residents should have confidence in the integrity of their local government and of their Members;
 - (d) the conduct of each Member is of the highest standard; and
 - (e) the conduct of each Member demonstrates fairness, respect for differences and a duty to work with other Members together for the common good.

2. DEFINITIONS

2.1 In this Code:

- (a) “**CAO**” means the Chief Administrative Officer of the City or his/her designate;
- (b) “**City**” means The Corporation of the City of Niagara Falls;
- (c) “**City property**” includes, but is not limited to, all real and personal property, facilities, vehicles, equipment, supplies, services, staff, documents, intellectual property, computer programs or technological innovations belonging to the City;
- (d) “**Clerk**” means the Clerk of the City or his/her designate;
- (e) “**Code**” means the “Code of Conduct for Council Members” as established by Council pursuant to Section 223.2 of the Municipal Act, 2001;
- (f) “**Committee**” means a committee, board, task force or other body constituted and appointed by Council;
- (g) “**community groups and organizations**” means any group, club, society, or organization and any non-profit or charitable group or organization operated for social welfare, civic improvement, pleasure, recreation or any other purpose except profit. Including but not limited to registered charities and non-profit organizations as defined by the Canada Revenue Agency.
- (h) “**complainant**” means an identifiable person who is a resident of Niagara Falls;
- (i) “**complaint**” means a written objection filed with the Integrity Commissioner pursuant to this Code respecting a Member and may be submitted by City Council, a member of City Council, a City employee, or a resident of the City of Niagara Falls;
- (j) “**confidential information**” means any information in the possession of or received in confidence by the City that the City is prohibited from disclosing or has decided to refuse to disclose under the Municipal Freedom of Information and Protection of Privacy Act or other legislation, which includes but is not limited to:
 - (i) information that is disclosed or discussed at a meeting that is closed to the public pursuant to subsection 239(2) of the Municipal Act, 2001;

- (ii) information that is given verbally in confidence in preparation for or following a meeting that is closed to the public pursuant to subsection 239(2) of the Municipal Act, 2001;
 - (iii) personal information as defined in subsection 2(1) of the Municipal Freedom of Information and Protection of Privacy Act;
 - (iv) advice that is subject to solicitor-client privilege or information that concerns litigation or potential litigation, including matters before administrative tribunals, affecting the City;
 - (v) information that concerns any confidential matters pertaining to personnel, labour relations, or items under negotiation;
 - (vi) price schedules in contract tenders and information about suppliers provided in contract tender or requests for information, quotation or proposal submissions, if such information is given in confidence, implicitly or explicitly;
 - (vii) sources of complaints where the identity of the complainant is given in confidence;
 - (viii) information circulated to Members and marked "confidential"; or
 - (ix) any information lawfully determined by the Council to be confidential or required to remain or be kept confidential by legislation or order.
- (k) **"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 decisions in a particular matter;
- (l) **"Council"** means the Council of the Corporation of the City of Niagara Falls, comprised of the Mayor and Councillors;
- (m) **"Councillor"** means a person elected or appointed as a Member of Council, other than the Mayor;
- (n) **"Frivolous"** means something that is not worthy of serious consideration, or that is of little or no importance, due to its lack of seriousness or sense;

- (o) “**gift**” means cash, fees, admission fees, advances, vouchers, invitations, objects of value, services, offers, personal benefits, travel and accommodation or entertainment that are provided to and retained by a Member, that could be seen to be connected directly or indirectly to the performance of the Member’s duties;
- (p) “**harassment**” or “**harass**” involves engaging in a course of behaviour, comment or conduct, whether it occurs inside or outside the work environment, that is or ought reasonably to be known to be unwelcome. It includes but is not limited to any behaviour, conduct or comment by a Member that is directed at or is offensive to another person:
 - i) on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status, as well as any other grounds under the provisions of the Human Rights Code; or
 - ii) which is reasonably perceived by the recipient as an intention to bully, embarrass, intimidate or ridicule the recipient.
- (q) “**Integrity Commissioner**” means the Integrity Commissioner appointed by Council pursuant to Section 223.3 of the Municipal Act, 2001;
- (r) “**meeting**” means any legally-constituted meeting of Council or a Committee;
- (s) “**Member**” means a Member of a Local Board appointed by City Council as well as a Member of Council of the City and includes the Mayor.
- (t) “**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 arise from a relationship with a person or entity;
- (u) “**pecuniary**” means relating to or consisting of money or having financial or economic value;
- (v) “**social media**” means web-based applications and on-line forums that allow users to interact, share and publish content such as text, links, photos, audio and video;

- (w) “**staff**” means the CAO and all commissioners, 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 the furtherance of the City’s business and interest; and
- (x) “**vexatious**” includes something that is instituted without sufficient grounds and serving to cause annoyance, frustration or worry.

3. **CONDUCT OF MEMBERS**

A Member shall at all times conduct themselves with propriety, decency and respect and with the understanding that all members of the public, other Members of Council or a Local Board, and staff are to be treated with dignity, courtesy and empathy, recognizing that a Member is always a representative of the City and of their elected office or appointment. A Member shall at all times conduct themselves with decorum and in accordance with the Board’s or City’s Procedural By-law during any meetings and in a manner that demonstrates fairness, respect for individual differences, and an intention to work together for the common good and in furtherance of the public interest.

4. **COMPLIANCE WITH THE CODE OF CONDUCT**

4.1 This Code applies to every Member.

4.2 A Member shall:

- (a) observe and comply with every provision of this Code, as well as all other policies and procedures adopted or established by Council or Board affecting the Member, acting in his or her capacity as a Member;
- (b) respect the integrity of the Code and inquiries and investigations conducted under it; and
- (c) co-operate in every way possible in securing compliance with the application and enforcement of the Code.

4.3 No Member shall:

- (a) undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person required to participate in the investigation; or

- (b) obstruct the Integrity Commissioner, or any other municipal official involved in applying or furthering the objectives or requirements of this Code, in the carrying out of such responsibilities, or pursuing any such objective.

5. **TRANSPARENCY AND OPENNESS IN DECISION MAKING**

Members shall:

- (a) conduct business and their duties in an open and transparent manner so that stakeholders can understand the process and rationale which has been used to reach decisions;
- (b) ensure the public has input and receives notice regarding Council's decision making processes in accordance with the Procedure By-law;
- (c) ensure compliance with the *Municipal Act*, *Municipal Conflict of Interest Act*, and other applicable legislation regarding open meetings, accountability and transparency.

6. **ACCESS TO INFORMATION AND CONFIDENTIALITY**

6.1 A Member shall:

- (a) only be entitled to have access to information in the possession of the City/Board that is relevant to matters before Council/Board or a Committee or that is relevant to their role as Members of Council or local Board. Otherwise, they have the same access rights to information as any member of the public.
- (b) have a continuing obligation to keep information confidential, even if the Member ceases to be a Member.

6.2 No Member shall:

- (a) obtain access, or attempt to gain access, to confidential information in the custody or control of the City/Board except in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*;
- (b) disclose, release or publish by any means, including social media any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so;

- (c) provide to any other person to disclose, release, publish any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so;
- (d) use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body;
- (e) disclose or discuss, through written, electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of Council, Board or a Committee until such time that Council, the Board or a Committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the head or designate under the *Municipal Freedom of Information and Protection of Privacy Act* or if directed to do so by a court.

6.3 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 reports and supporting documents of a closed meeting are to be deemed confidential and will be available to the members in advance of the closed meeting, as well as during the closed meeting.

A member shall not, either directly or indirectly, in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or the Board or as required by law.

There is to be no electronic recording of a closed meeting by any member. The City Clerk or his or her designate will make an audio recording of the Meeting to only be used by staff for the purposes of collecting the minutes of the meeting or to be used by the Integrity Commissioner or Ombudsman's office when deemed necessary.

7. **UNDUE USE OF INFLUENCE**

No Member shall use their status to improperly influence the actions or decisions of Staff or others to the private advantage of the Member or his or her family, staff, friends or associates, business or otherwise.

8. STAFF RELATIONS

8.1 A Member shall:

- (a) respect staff and acknowledge that staff is required to provide objective advice while remaining neutral, carry out directions of Council/Board as a whole, and administer the policies of the City without undue influence from any Member.
- (b) respect the administrative structure and direct any staff performance concerns through the appropriate supervisory staff.

8.2 No Member Shall:

- (a) maliciously or falsely impugn the professional or ethical reputation of any staff;
- (b) compel staff to engage in partisan political activities, or subject staff to threat or discrimination for refusing to engage in such activities; or
- (c) use their authority or influence to threaten, intimidate, or coerce staff or improperly interfere the lawful exercise of the duties of staff.

9. GIFTS

9.1 No Member shall accept a gift or personal benefit that is connected directly or indirectly with the performance of their duties unless authorized by one of the exceptions below.

9.2 Notwithstanding Section 9.1 the following exceptions are applicable:

- (a) gifts received as an incident of protocol or social obligation that normally accompany the responsibilities of elected or appointed office;
- (b) gifts that are not connected directly or indirectly with the performance or duties of office;
- (c) compensation authorized by law;
- (d) a reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with a legitimate municipal purpose;
- (e) political contributions that are otherwise offered, accepted and reported in accordance with applicable law;

- (f) services provided without compensation by persons volunteering their time;
- (g) a suitable memento of a function honouring the Member or the City;
- (h) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political sub-divisions of them, and by the federal government or the government of a foreign country;
- (i) food, beverages and/or admission fees provided by banquets, receptions or similar events if attendance is the result of protocol or social obligation consistent with the responsibilities of office, and the person extending the invitation has done so infrequently and that person or a representative of the organization is in attendance; and
- (j) communications to offices of a Member including subscriptions to newspapers and periodicals.

10. USE OF CITY PROPERTY

10.1 A Member shall:

- (a) only use City property for activities relevant to their role as Members of Council; and
- (b) no member shall obtain any personal financial gain or advantage from the use of City property.

11. POLITICAL ACTIVITY

11.1 Members may not use City resources for any type of political activity as outlined in the “use of corporate resources and election campaign activities policy” including promoting or opposing the candidacy of any person to elected office in any municipal, provincial and federal campaign.

12. PARTICIPATION IN COMMUNITY GROUPS AND ORGANIZATIONS AND THEIR EVENTS

12.1 A Member shall be entitled to:

- (a) organize, establish, participate in and support community groups and organizations and their associated events,

- (b) hold positions, including positions on governing boards, within community groups and organizations, and be subject to the published rules of each applicable organization;
- (c) solicit donations on behalf of community groups and organizations;
- (d) use their discretionary expense budget to support community groups and organizations and their events.
- (e) use staff in the executive offices, or additional staff as required in consultation with the CAO for organizing and supporting events and meetings connected to their role as Members of Council.

12.2 Members shall:

- (a) seek Council approval for the use of their name or position and title in the official name of any event where fundraising activities occur;
- (b) seek Council approval for the use of corporate resources beyond those provided for in Section 11.1 in support of any event organized by the Member where fundraising activities occur. The request shall be reviewed by the CAO, and a report provided to Council with an assessment of the associated costs;
- (c) ensure that any funds for external or non-Member organized community groups or organizations are not received using City staff, City email, or other City resources;
- (d) ensure that any funds, goods, or services received for community group or charitable events are not used for any other purpose;
- (e) respect the need for transparency with respect to their involvement in community groups and organizations and their events and perform their community service in a manner that promotes public confidence.

13. DISCRIMINATION AND HARASSMENT

- 13.1 Members shall treat all members of the public, one another and staff with respect without abuse, bullying, or intimidation and ensure that the work environment for employees is free from discrimination and harassment.

- 13.2 Members shall not use indecent, abusive or insulting words, phrases or expressions towards any member of the public, another Member or staff. Members 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 of record of offences for which a pardon was not been granted.
- 13.3 Members shall comply with the City's "Harassment in the Workplace Policy".

14. ENCOURAGEMENT OF RESPECT FOR THE CITY, ITS BOARDS AND ALL APPLICABLE BY-LAWS

- 14.1 No Member shall use the influence of their office for any purpose other than for the lawful exercise of their official duties and for municipal purposes.
- 14.2 A member shall:
- (a) encourage the public, prospective contractors and lobbyists, and their colleagues to abide by the City's or Board's by-laws and policies, including this Code; and
 - (b) accurately communicate the decisions of Council or the Board even if they disagree with the majority decision of the Council/Board, and by so doing affirm the respect and integrity in the decision-making processes of the Council/Board.

15. SOCIAL MEDIA

- 15.1 A Member shall:
- (a) adhere to all City policies and guidelines, regarding social media use; and
 - (b) always identify themselves without any attempt to cover, disguise or mislead as to their identity or status as an elected representative of the City when using social media.
- 15.2 No Member shall:
- (a) use social media to publish anything, or allow anything to be published on their social media sites, that is dishonest, untrue, offensive, disrespectful, constitutes harassment, is defamatory or misleading in any way.

16. ROLE OF THE INTEGRITY COMMISSIONER

- 16.1 The City shall appoint an Integrity Commissioner under Section 223.3 of the Municipal Act, 2001 who is an independent officer and who will report directly to Council and be responsible for carrying out his or her functions in accordance with the Municipal Act, 2001 and any other functions assigned by Council, in an independent manner with respect to the following:
- (a) The application of the code of conduct for members of council and the code of conduct for members of local boards;
 - (b) The application of any procedures, rules and policies of the municipality and local boards governing the ethical behavior of members of council and of local boards;
 - (c) 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;
 - (d) Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member;
 - (e) Requests from members of Council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behavior of members;
 - (f) Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*; and;
 - (g) The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*, 2017, c. 10, Sched. 1, s. 19 (1).

17. COMPLAINT PROCESS

Although not a pre-condition or pre-requisite of filing a formal complaint, any identifiable resident of the City of Niagara Falls, who believes that a member has contravened the Code of Conduct may wish to address the alleged conduct and behavior themselves through an informal complaint procedure as follows:

- Advise the Member of the behavior or activity that contravenes the Code
- Encourage the Member to acknowledge and agree to stop the prohibited behavior or activity.
- If desired by both parties, request the assistance of the Integrity Commissioner to facilitate an informal discussion with the Member to help resolve the issue. Further mediation methods offered by the Integrity Commissioner
- If applicable, confirm in writing to the Member that the response and agreement is satisfactory or advise the Member that his or her response is unsatisfactory.
- If the matter is still unsatisfactory, and if both parties agree, individuals are strongly encouraged to participate in any informal process whereby the Integrity Commissioner may act as a mediator regarding the issues relating to a complaint. This informal complaint procedure is not a precondition or a prerequisite to pursuing the formal complaint procedure as laid out in this code.
- Where a satisfactory agreement still can't be reached, pursue a formal complaint under the procedures outlined in section 17.1 of this Code or consider pursuing the matter with another applicable judicial or quasi-judicial process or complaint procedure.

17.1 A complaint that a member has contravened the Code may be initiated by any resident of the City of Niagara Falls, any Member of Council, or by Council as follows:

- (a) a complaint along with the prescribed fee in the amount of \$500 shall be made in the form attached as Appendix A and may be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier or they may be filed in person at the Clerks Office within City Hall;
- (b) a complaint shall be made in writing and must be signed and dated by the complainant who shall be an identifiable individual (complaints may not be submitted by any group, organization or corporation);
- (c) the alleged Code of Conduct violation shall have taken place within six (6) weeks of filing the complaint with the Integrity Commissioner or the alleged Municipal Conflict of Interest violation shall have taken place within six (6) weeks of the complainant becoming aware of the violation;
- (d) a complaint shall include:
 - (i) an explanation, with specific reference to sections of the Code, as to why the issue raised is alleged to be a contravention of the Code;
 - (ii) any evidence in support of the allegation;
 - (iii) any witnesses in support of the allegation must be identified; and

- (iv) personal and verifiable contact information including the resident's current City address, phone number and email address, verified by provision of government issued identification. (example, driver's licence).
- (e) In the event that the Integrity Commissioner determines that a complaint contains insufficient grounds to support an investigation, the Integrity Commissioner may reach out to the complainant to clarify or obtain additional information before deciding how to proceed. If the Integrity Commissioner determines that a complaint still contains insufficient grounds to support an investigation, or is frivolous / vexatious, the Integrity Commission, using his or her discretion, may determine that the complainant forfeit the filing fee. Otherwise, 50% of the fee shall be refunded.

17.2 The Integrity Commissioner shall undertake an initial review of a complaint that has been filed and shall determine whether the matter relates to non-compliance with the Code or other corporate policy applying to Members. The Integrity Commissioner shall have no power or jurisdiction to investigate or otherwise deal with the complaint, if the complaint is not alleging a contravention of the Code or other corporate policy applying to Members or if the complaint relates to the following matters:

- (i) **Criminal Matter** – if the complaint relates to an allegation of a criminal nature consistent with the Criminal Code, the complainant shall be advised that pursuit of such an allegation must be made through the appropriate police service;
- (ii) **Municipal Freedom of Information and Protection of Privacy** – if the complaint relates to a matter under the Municipal Freedom of Information and Protection of Privacy Act, the complainant shall be referred to the Clerk or the Executive Director or Secretary of any local board, if applicable; and
- (iii) **Municipal Elections Act** – if the complaint relates to the enforcement of the Municipal Elections Act, the complainant shall be referred to the Compliance Audit Process if the matter relates to campaign finances or to such other avenues of investigation as dictated by that Act.

17.3 If the Integrity Commissioner determines they do not have jurisdiction as described in Section 17.2 the Integrity Commissioner shall advise the complainant in writing accordingly.

- 17.4 The Integrity Commissioner may dispose of a complaint on the basis that it is not within the jurisdiction of the Integrity Commissioner in a summary manner and may report same to Council or the local board. The Integrity Commissioner may also seek further information or clarification from the complainant and shall endeavor to apprise the complainant of subsequent steps and the processing of the complaint and any ensuing investigation.
- 17.5 If the Integrity Commissioner is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Integrity Commissioner may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner. The Integrity Commissioner shall advise the complainant in writing of his or her decision and reasons for not undertaking an investigation or terminating it.
- 17.6 If the Integrity Commissioner has decided to commence an investigation of a complaint (except where otherwise required by the Public Inquiries Act, 2009, if applicable), the Integrity Commissioner shall provide a copy of the complaint and supporting evidence to the Member whose conduct is in question with a request for a written response to be provided within ten (10) days. The Integrity Commissioner may provide the response from the Member to the complainant with a request for a written reply within ten (10) days.
- 17.7 The Integrity Commissioner shall review the written responses and may, if necessary discuss the matter with anyone that the Integrity Commissioner considers is relevant to the complaint. The Integrity Commissioner may access and examine any of the information described in subsections 223.4(3) and (4) of the Municipal Act, 2001 and may access any workplace relevant to the complaint, including any documents or records under the custody or control of the City or local board.
- 17.8 Before finalizing a report to Council which recommends sanctions, the Integrity Commissioner shall provide the Member with the basis for their findings and any sanctions that may be recommended. The Member shall have the opportunity to comment either in writing, verbally or in person to the Integrity Commissioner on the proposed findings and sanctions.
- 17.9 Upon conclusion of a complaint investigation, the Integrity Commissioner shall:
- (a) issue a report to Council on the findings of the investigation and, where there has been a contravention of the Code, the report shall contain the detailed findings, any recommended sanctions, or any settlement; and

- (b) provide a copy of the final report to the Member at the same time as the final report is made available to the Clerk and to the complainant at the same time as the report becomes public.
- 17.10 The Integrity Commissioner's report on a complaint shall be placed on an agenda for consideration at a public meeting of the Committee of the Whole or Council, in accordance with the Procedure By-law, as determined by the Clerk in consultation with the Integrity Commissioner.
- 17.11 The Integrity Commissioner shall preserve confidentiality where appropriate and not disclose or confirm the name of a Complainant to the affected member of Council unless such information is relevant or necessary for the fulfillment of responsibilities of the Integrity Commissioner or such information is otherwise known or available to the Member or City Council.
- 17.12 No investigation shall be commenced or continued, nor shall the Integrity Commissioner report to Council respecting an investigation, within an election period and on/after election nomination day in the year of a municipal election. *For example, in 2022 the election period would be from August 19, 2022 through to and including October 25, 2022, the date the election results are certified.*

18. PENALTIES

- 18.1 Upon receipt of a final report and the recommendations of the Integrity Commissioner, Council may, where the Integrity Commissioner has determined there was a violation of the Code, impose either of the following two (2) penalties, as per the *Municipal Act*.
- (a) a reprimand; or
 - (b) suspension of remuneration paid to the Member in respect of his or her services as a Member for up to ninety (90) days.
- 18.2 Council also has the authority to remove any Member from any appointed Boards, Committees or Commissions.

19. INTERPRETATION

- 19.1 This code shall be interpreted as follows:
- (a) the headings in the Code form no part of the Code but shall be deemed to be inserted for convenience of reference only;

- (b) all changes in number and gender shall be construed as may be required by the context;
- (c) the reference to any City official shall be deemed to include the City official who performs the duties of such referenced person from time to time, including their delegates;
- (d) the reference to Integrity Commissioner shall be deemed to include any person who has been delegated powers and duties by the Integrity Commissioner in accordance with subsection 223.3(3) of the Municipal Act, 2001;
- (e) the reference to a statute or regulation, except as may be otherwise provided, shall be deemed to include such statute or regulation as may be amended or re-enacted from time to time or its successor legislation, and, in each case, the regulations made from time to time pursuant thereto;
- (f) the reference to a by-law, resolution, policy or guideline made, enacted, established or adopted by the City, including the Code, except as may be otherwise provided, shall be deemed to include such by-law, resolution, policy or guideline as may be amended or re-enacted from time to time or its successor by-law resolution policy or guideline made, enact, established or adopted from time to time; and
- (g) if a court of competent jurisdiction should declare any section or part of a section of this Code to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this Code and it is hereby declared that the remainder of this Code shall be valid and remain in force.

20. ATTESTATION

Upon the adoption of this Code of Conduct and thereafter at the beginning of each term, Members of Council will be expected to sign two copies of the Code of Conduct (one for themselves and one for the Clerk's Office) to convey to each other and all stakeholders that they have read, understood and accept it.

Code of Conduct for Members of Niagara Falls City Council

AND

The Municipal Conflict of Interest Act

ACKNOWLEDGEMENT AND COMPLIANCE CERTIFICATE

I hereby acknowledge that I have read and understand the City's Code of Conduct for Members of Council (the "Code") and the provisions of the Municipal Conflict of Interest Act (the "MCIA") both of which impose obligations on me in my role as a member of Council for the City of Niagara Falls.

I further understand that if I have any question about what my obligations or responsibilities are under the Code or the MCIA, I can seek advice in that respect from the City's Integrity Commissioner.

I confirm that I will exert every effort to comply with the ethical standards, responsibilities and obligations of a member of Council set forth in the Code and the MCIA during my term of office.

Signature Date

Printed Name