

THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS

BY-LAW NO. 36-2012

Being a By-law to Adopt a Code of Conduct Policy for Members of Council.

WHEREAS the *Municipal Act, 2001*, c. 25 S. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25 S. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS the *Municipal Act, 2001*, C.25 S.223 (2) authorizes a municipality to establish a code of conduct for members of Council;

AND WHEREAS the Corporation of the Township of North Dundas desires to establish a Code of Conduct

NOW THEREFORE the Council of the Corporation of the Township of North Dundas enacts as follows:

1. That the Code of Conduct Policy for Members of Council, attached hereto as Schedule "A", be adopted.
2. Any other by-laws inconsistent with this by-law are hereby repealed.

ENACTED AND PASSED in open Council after a first, second and third reading this 18th day of December, 2012.



Eric Duncan, MAYOR



Jo-Anne McCaslin, CLERK

POLICY MANUAL	Policy 50-2102
For Township of North Dundas	Effective Date: December 18, 2012
Subject: Code of Conduct for Members of Council	Department: Council

PURPOSE

The Code of Conduct sets a minimum standard for the behaviour of Council members in carrying out their functions. It has been developed to assist Council to:

1. Understand the standards of conduct that are expected of them and the law that applies in relation to these standards;
2. Fulfill their duty to act honestly and exercise reasonable care and diligence;
3. Act in a way that enhances public confidence in local government; and
4. Identify and resolve situations which might involve a conflict of interest or a potential misuse of position and authority.

LEGISLATED RESPONSIBILITIES

1. Role of Council

Pursuant to the *Municipal Act, 2001*, it is the role of Council:

- i) to represent the public and to consider the well-being and interests of the municipality;
- ii) to develop and evaluate the policies and programs of the municipality;
- iii) to determine which services the municipality provides;
- iv) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- v) to ensure the accountability and transparency of the operations of the municipality;
- vi) to maintain the financial integrity of the municipality; and,
- vii) to carry out the duties of Council under this or any other Act.

2. Role of the Head of Council

Pursuant to the *Municipal Act, 2001*, it is the role of the Head of Council:

- i) to act as Chief Executive Officer of the municipality;
- ii) to preside over Council meetings so that its business can be carried out efficiently and effectively;
- iii) to provide leadership to the Council;
- iv) to provide information and recommendations to Council with respect to the role of Council;
- v) to represent the municipality at official functions; and,
- vi) to carry out the duties of the Head of Council under this or any other Act.

3. Role of Officers & Employees

Pursuant to the *Municipal Act, 2001*, it is the role of Officers and employees of the municipality to:

- i) implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- ii) undertake research and provide advice to Council on the policies and programs of the municipality; and,
- iii) carry out other duties required under this or any Act and other duties as assigned by the municipality.

STANDARDS OF CONDUCT

1. Members of Council shall at all times seek to advance the common good of the community which they serve.
2. Members of Council shall truly, faithfully and impartially exercise the office to the best of their knowledge and ability.
3. Members of Council shall refrain from behaviour that could constitute an act of disorder or misbehaviour. Specifically, Council officials shall refrain from conduct that contravenes Federal or Provincial statutes or legislation, the Municipal Act, Municipal by-laws, associated regulations, and the Township's Code of Conduct is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others prejudices the provision of a service or services to the community.

CONDUCT TO BE OBSERVED

1. Release of Confidential Information

Members of Council have a duty to hold in strict confidence all information concerning matters dealt with at closed meetings or that is determined to be confidential by the CAO, Clerk or as specifically declared by Council. A Member of Council shall not, either directly or indirectly, release, make public or in any way divulge any such information or any aspect of the In Camera deliberations to anyone, unless expressly authorized by Council or required by law to do so.

- a. Members of Council shall not release information in contravention of the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M:56, as amended.
- b. Members of Council shall not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law to do so.
- c. Members of Council shall not misuse confidential information (information that they have knowledge of by virtue of their position as Councillor that is not in the public domain, including e-mails and correspondence from other Members of Council or third parties) such that it may cause detriment to the Corporation, Council or others, or benefit or detriment to themselves or others.
- d. All closed meeting materials shall be collected at the end of each In Camera session by the Clerk or CAO.
- e. All members of Council enjoy the same access rights to municipal information as any other member of the community, unless it is specifically relevant to a matter before Council.

2. Operational Inquiries

Operational inquiries and complaints received from the public will be addressed by members of Council as follows:

- i) Members of Council who are approached by the public with inquiries/complaints regarding operational matters should encourage the party to contact the appropriate department for review/resolution.
- ii) where the member of the public is reluctant to contact the department directly, the member of Council should take the person's name, phone number and details of the inquiry/complaint and advise them that the matter will be referred to the CAO for review/resolution.
- iii) members of the public are encouraged to provide their issue/matters of concern in writing to the appropriate department.
- iv) where the inquiry/complaint is not resolved to the liking of the member of the public then the issue may be brought forward to the Mayor and then Council for resolution.

3. Foster Respect for Decision-making Process

All Members of Council shall accurately and adequately communicate the attitudes and decisions of the Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.

4. Litigation or Possible Litigation Matters

No member of Council shall communicate in any way with any party who has initiated or suggested that legal action may be initiated against the municipality. All inquiries are to be referred to the CAO or the solicitor who is representing the Township on the particular matter.

5. Release of Information to Public and Media, including Social Media

Members of Council acknowledge that official information related to decisions and resolutions made by Council will normally be communicated to the community and the media by Council as a whole or the Mayor as Head of Council or by those so designated.

6. Reputation Management

A member of Council shall not initiate or participate in any action of falsehood, slander or defamation of character nor the spreading of any rumor about an elected official, an appointed official and any member of staff of the Township.

7. Impairment

No member of Council shall be impaired while performing any duty or carrying out any responsibilities for the Township.

8. Gifts & Benefits

This Section ensures that Council members base their decisions on importance and objective assessment of each situation free from influence.

- i) As an incident of protocol or social obligation, members of Council will only accept gifts, hospitality or entertainment of a nominal value that could not be reasonably construed as being given in anticipation or recognition of special consideration. Further, acceptance of hospitality or entertainment is permitted if the offer is infrequent (less than 2 or 3 times a year) and appropriate to the occasion. In these circumstances, it is assumed that the nature of the business discussed is important enough to the Township that reciprocal arrangements should openly be made and charged to the Township.
- ii) Members of Council will acknowledge that the Mayor will periodically receive and distribute ceremonial or other similar items due to the nature of the role.

9. Procurement of Goods & Services

No member of Council shall make personal purchases through the Township and all purchases made by the Corporation to assist the members of Council in the fulfillment of their duties (business cards, etc.) shall be in accordance with the municipality's procurement by-law. Members of Council shall declare any conflict of interest with respect to the procurement of goods and services and shall refrain from the procurement process to which the conflict of interest relates.

10. Engaging in Incompatible Activity

Members of Council shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties in the public interest.

Without limiting the generality of the foregoing, Members of Council shall not:

- a. use any influence of office for any purpose other than official duties;
- b. act as an agent before Council or any committee, board or commission of Council;
- c. solicit, demand or accept the services of any corporation, employee, or individual providing services to the municipality at a time in which said person or corporation is being paid by the municipality;
- d. use any information gained in the execution of office that is not available to the general public for any purpose other than for official duties;
- e. place themselves in a position of obligation to any person or organization which might benefit from special consideration or may seek preferential treatment;
- f. give preferential treatment to any person or organization in which a Member or Members of Council have a financial interest;
- g. influence any administrative or Council decision or decision-making process involving or affecting any person or organization in which a Member or Members of Council have a financial interest; and
- h. use Corporate materials, equipment, facilities or employees for personal gain or for any private purpose.

11. Conflict of Interest

Members of Council shall be responsible to ensure that they are familiar with the application of the Municipal Conflict of Interest Act, R.S.O. 1990, as amended. It shall be the responsibility of each member of Council, not staff, to determine whether they have a direct or indirect pecuniary interest with respect to matters arising before Council.

- a. A conflict exists when an individual is, or could be, influenced, or appear to be influenced by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgment, close mindedness or undue influence.

- b. Council members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their public or professional duties in accordance with statutory requirements. When considering whether or not a conflict exists, it is important to consider whether there are any grounds for a reasonable person to think that a conflict exists.
- c. Recognizing that it is impossible to anticipate all possible conflicts that may arise during a Member's term of office and, those conflicts may not be only pecuniary in nature, it is generally advisable to be as open as possible. It is not enough that a conflict not exist it must also be seen by taxpayers not to exist.

The following principles should be used as a guide:

- i. In making decisions, always place the interests of the taxpayers first and, in particular, place them before the interests of colleagues on Council, staff, friends, or family.
- ii. Always interpret the phrase "Conflict of Interest" in the broadest possible terms.
- iii. A factor which could be considered a conflict by taxpayers should be treated as a conflict and be disclosed by the member of Council.
- iv. If in doubt, it is better to disclose a situation.
- v. It is the responsibility of individual Councilors to obtain independent legal advice with respect to any situation that might arise whereby there is a potential for a conflict of interest.
- vi. It is considered a breach of this policy to require or to attempt to burden staff members to assist in the determination of a conflict of interest for individual Councilors.

A member with a direct or indirect pecuniary interest, who is at a meeting where the matter in which the member has a pecuniary interest must:

- a) disclose the interest and the general nature of the conflict;
- b) not take part in the discussion or vote on the matter,
- c) not attempt to influence the vote, before, during, or after the meeting;
- d) leave the meeting while the matter is being discussed in closed session;
- e) AND; if absent from a meeting where a member's pecuniary interest is considered, disclose the interest at the next meeting attended by the member.

AVOIDANCE OF WASTE

Members of Council shall avoid waste, abuse and extravagance in the provision or use of public resources, and shall expose fraud and corruption of which the Member of Council is aware.

PROFESSIONAL DEVELOPMENT

Members of Council shall promote and participate in opportunities for professional development. Council Members are required to stay updated on issues and trends so that they can be as efficient and effective as possible in the carrying out of their duties and responsibilities.

INTERPERSONAL BEHAVIOUR

1. Ontario Human Rights Code

Members of Council shall abide by the provisions of the Human Rights Code and, in doing so, shall treat every person, including other Members of Council, corporate employees, individuals providing services on a contract for service, students on placements, and the public, with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination.

2. Discrimination

Members of Council shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, religious affiliation or faith, sex, sexual orientation, record of offences, marital status, same-sex partnership status, family status, or disability shall be as defined in the Human Rights Code.

3. Harassment

No member of Council shall harass another member of Council, staff or an appointed committee member because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, record of offences, marital status, family status or disability.

No member of Council shall sexually harass, sexually solicit or threaten reprisal for the rejection of a sexual solicitation of another member of Council, staff or an appointed person.

4. Relationship with Staff

Members of Council shall be respectful of the fact that staff work for the municipality, and make recommendations based on their professional and technical expertise as well as from a corporate perspective, without undue influence from individual members of Council. Many staff members are bound through professional associations to a strict code of ethics in the delivery of their services. Accordingly, members of Council shall not;

- a) maliciously or falsely injure the professional or ethical reputation of staff;
- b) compel staff to engage in partisan political activities or be subjected to threats of discrimination for refusing to engage in such activities;
- c) use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with staff duties; and,
- d) inquiries of staff should be directed to the CAO or the appropriate senior Manager as directed by the CAO.

5. Protection of Privacy

Councillors shall comply with the Municipal Freedom of Information and Protection of Privacy at all times. Public comments, discussions and disclosures to the media regarding employees or individuals that breach a person's privacy is deemed to be a contravention of this Code of Conduct.

COMPLIANCE

1. Members, employees, or members of the public who have reasonable grounds to believe that a member of Council has contravened this Code, may proceed to submit a formal complaint to the appointed Integrity Commissioner.
2. An individual is encouraged to initially pursue an informal process as a means of stopping and remedying a behavior or activity that is prohibited by the Code. However, it is not a precondition or a prerequisite that the informal complaint procedure be initiated or completed prior to pursuing the formal complaint procedure through the Integrity Commissioner. A copy of the Integrity Commissioner Complaint Procedure can be obtained from the Clerk's office or the Township website.

IMPLEMENTATION

1. A Code of Conduct component will be included as part of the orientation workshop for each new Council term.
2. Council Members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis.
3. Members of Council will be expected to sign a Confirmation of Understanding of the Code of Conduct to convey to each other, members of the public and staff that they have read, understand and accept it.

For further information, contact:

Township of North Dundas

Clerk's Department

636 St. Lawrence St. Winchester, On KOC 2K0 (613) 774-2105

(800) 795-0437
