

Department: Council	Policy Number: C08-01687
Subject: Code of Conduct	Effective Date: 22/03/16
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Policy Statement

Local government is an open, accessible, and accountable form of government. The relationship of public trust and mutual respect that has evolved between government and the public requires high standards of ethical conduct by municipal council members.

This Code of Conduct clarifies the municipality's expectations of its elected officials and Board and Committee Members and affirms our commitment to caring for our community's needs and maintaining fiscal responsibility on behalf of the public. It provides a guide for consistent behaviour in delivering governance and services. Contravention of this Code is a serious matter to the Town and the public, and will be treated as such.

ROLES AND OBLIGATIONS

Role of Council (as noted in the *Municipal Act, 2001* as amended, Section 224)

- a) to represent the public and to consider the well-being & interests of the municipality;
- b) to develop and evaluate the policies and programs of the municipality;
- c) to determine which services the municipality provides;
- d) to ensure that administrative policies, practices, and procedures and controllership policies, practices and procedures are in place to implement the decisions of the Council;
 - d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- e) to maintain the financial integrity of the municipality; and
- f) to carry out the duties of Council under this or any other Act.

Role of Head of Council (as noted in the *Municipal Act, 2001* as amended, Section 225)

- a) to act as Chief Executive Officer of the municipality;
- b) preside over Council meetings so that its business can be carried out efficiently and effectively;
- c) to provide leadership to the Council;
- d) without limiting clause iii), to provide information and recommendations to the Council with respect to the role of Council described in Section 224 (d) and (d.1) of the *Municipal Act, 2001*, as amended
- e) to represent the municipality at official functions; and
- f) to carry out the duties of the head of Council under this or any other Act.

Role of Officers and Employees (as noted in the *Municipal Act, 2001*, as amended, Section 227)

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

A. PURPOSE OF THE CODE OF CONDUCT

The Code of Conduct sets minimum standards for the behaviour of Members of Council, Local Boards and Committees in carrying out their functions. It has been developed to assist Council, Local Boards and Committees 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.

B. STANDARDS OF CONDUCT

1. Council, Local Boards and Committee Members shall at all times seek to advance the common good of the community which they serve.
2. Council, Local Boards and Committee Members shall truly, faithfully and impartially exercise the office to the best of their knowledge and ability.
3. Council, Local Boards and Committee Members shall refrain from behaviour that could constitute an act of disorder or misbehaviour. Specifically, Council, Local Boards and Committee Members shall refrain from conduct that:
 - a. Contravenes Federal or Provincial statutes or legislation, the Municipal Act, Municipal bylaws, associated regulations and the Municipality's Code of Conduct.
 - b. Is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others.
 - c. Prejudices the provision of a service or services to the community.
 - d. Divulges information that is misleading, known not to be entirely factual or misrepresents Council in anyway.
 - e. Uses information acquired through their official duties and not available to the general public for a personal advantage or pecuniary interests during or after their employment.

4. Statutory Provisions Regulating Conduct

This Code of Conduct is supplemental to the existing statutes governing the conduct of Council, Local Boards and Committee Members:

- a. *Municipal Act, 2001, s.223.2(1)*, as amended;
- b. *Municipal Conflict of Interest Act*;
- c. *Municipal Elections Act, 1996*, as amended;
- d. *Municipal Freedom of Information and Protection of Privacy Act*;
- e. *Human Rights Code*;
- f. *The Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009*; and
- g. The *Criminal Code of Canada* also governs the conduct of Members of Council.

C. CONDUCT TO BE OBSERVED

1. Conduct at Meetings:

Council, Local Boards and Committee Members shall act in accordance with the Municipal Procedure Bylaw.4.2

2. Conduct Respecting Others:

As a representative of the Town of Espanola, every member has the duty and responsibility to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that the municipal work environment is free from discrimination and harassment.

- a. A member shall not use indecent, abusive, or insulting words or expressions toward any other member, any member of staff or any members of the public.
- b. A member shall not speak in a manner that is discriminatory to any individual based on that person's race, ancestry, place of origin, creed, gender, sexual orientation, age, colour, marital status or disability. The Ontario Human Rights Code applies, as well as the Town of Espanola's Respect in the Workplace Policy H04-01615.

3. Conduct Respecting Staff:

Council, Local Boards and Committee Members shall be respectful of the role of staff to serve the Corporation as a whole under the overall direction of the CAO / Treasurer and to provide advice based on political neutrality and objectivity, free from undue influence.

- a. A member shall be respectful of staff's professional capacities and responsibilities.
- b. A member shall not maliciously or falsely injure or impugn the professional or ethical reputation of a member of staff.
- c. A member shall not compel a member of staff to participate in partisan political activities.

- d. A member shall not use influence, authority, intimidation, threats or coercion to improperly influence any member of staff.
- e. A member shall not interfere with any member of staff in the performance of the staff member's duties, including the duty to disclose improper activity.

4. Conduct Respecting the Municipality and the Decision Making-Process:

Council, Local Boards and Committees Members shall accurately and adequately communicate the decisions of Council, or of the Board, even when he or she was not in the majority or in favour of the decision.

- a. A member shall respect the decision-making process.
- b. A member shall encourage respect for the Municipality and its Bylaws and Policies.

5. Engaging in Incompatible Activity

Council, Local Boards and Committee Members may not engage in any outside work or business activity that conflicts with their duties as a member of Council, Local Board or Committee; which uses their knowledge of confidential plans, projects, or information about the holdings of the Corporation; and that will or is likely to, negatively influence or affect them in carrying out their duties as a member of Council, Local Board or Committee.

Council, Local Boards and Committee Members 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, Council, Local Boards and Committee Members shall not:

- a. Use any influence of office for any purpose other than official duties;
- b. Act as an agent on behalf of another party, 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. Give preferential treatment to any person or organization in which a Member or Members have a financial interest;
- f. Influence any administrative or Council decision or decision-making process involving or affecting any person or organization in which a Member or Members have a financial interest;

6. Use of Public Resources

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

7. Conflict of Interest

It is the responsibility of individual Councillors to ensure that they are aware and trained in the application of the *Municipal Conflict of Interest Act* (MCIA) (e-laws: <http://www.e-laws.gov.on.ca/index/html>). The onus is on the Councillor to identify and declare a conflict of interest.

- a. Members shall recognize their obligations to follow and respect the provisions of the *Municipal Act* and the *Municipal Conflict of Interest Act*, as amended.
- b. Members shall comply with the *Municipal Conflict of Interest Act* and must not accept a gift or personal benefit that is connected with their performance of the duties of office. This does not include gifts or personal benefits received as a matter of the protocol or social obligations that normally accompany the responsibility of public office.

8. Social Media

Social Media is one of many communication tools and it provides a unique opportunity to interact with some constituents. Elected Officials should use sound judgment and common sense in using social media and should ensure that all social media use conforms to this Code of Conduct as well as corporate values and sound business practice. The following guidelines must also be adhered to:

- a. If you re-post something written by someone else, ensure you have the proper permission to do so. Do not use copyrights, trademarks, publicity rights or other rights of others without the necessary permissions of the rightholder(s);
- b. Do not post information about the Town of Espanola that is discussed in closed session and do not post private or confidential information about fellow Councillors, Local Board, Committee Members or Town Employees;
- c. Do not discuss situations involving named or pictured individuals without their permission and do not post anything that you would not present in a public forum;
- d. You have an obligation to ensure that posts are accurate and not misleading and that they do not reveal non-public information about the Town of Espanola. If in doubt as to whether the post reveals non-public information about the Town, do not post as remember once information is published online it may become part of a permanent record.;

- e. Do not use Social Media during a Council, Local Board or Committee Meeting;
- f. Do not forget that decisions and resolutions made by Council will normally be communicated to the community and the media by the Mayor as Head of Council or by those so designated.
- g. For the most part, comments and messages posted to the Town's official social media sites or services are considered transitory records and will not be kept as a permanent record by the Town of Espanola.
- h. Use of a Town associated email address, communicating in an official capacity, or discussing Town business; on personal or corporate social media sites or services and/or personal websites will constitute conducting Town business and will be required to conform to this Code of Conduct as well as corporate values.

D. COMPLIANCE WITH THE CODE OF CONDUCT

Council, Local Boards and Committee Members are accountable to the public through the four-year election process or by Council appointment. Between elections they may, for example, become disqualified and lose their seat if convicted of an offence under the Criminal Code of Canada or for failing to declare a conflict of personal interest under the Municipal Conflict of Interest Act.

In addition to any other consequence imposed by law, Section 223.3 of the *Municipal Act, 2001* authorizes Council to impose either of two penalties on a Council, Local Board and Committee Member following a report by the Integrity Commissioner that, in his / her opinion, there has been a violation of the Code of Conduct:

- reprimand; or,
- suspension of the remuneration paid to the Member in respect of his or her services as a Council, Local Board or Committee Member, as the case may be, for a period of up to 90 days

The Council shall appoint an Integrity Commissioner to investigate alleged breaches of this Code.

An individual, organization, employee, Member of Council or member of the public who believes they have reasonable grounds that a Member has breached this Code, may proceed with a complaint and request an inquiry. Complaints must be submitted no more than 6 months after the alleged violation occurring. No action will be taken on a complaint received beyond this deadline. Refer to Policy M04-01686 for the Integrity Commissioner Review/Complaint Process.

ACKNOWLEDGEMENT
Appendix 'A'

SIGNATURE

The undersigned Member of Council, Local Board or Committee, hereby acknowledges receipt of a copy of Bylaw 2704/16, Code of Conduct for Council, Local Boards and Committee Members.

**Signature of Council, Local Board or
Committee Member**

Acknowledgement of Receipt of Code of Conduct Policy

Date of Signature

PRINTED NAME

NOTE:

The Council, Local Board or Committee Member acknowledges that a copy of Bylaw 2682/15 containing the Code of Conduct Policy for Council, Local Board or Committee Member was provided to the Member. One signed a copy of the "**ACKNOWLEDGEMENT**" was returned to the CAO / Treasurer and the Council, Local Board or Committee Member retained a complete copy of the Bylaw.