



# Policy

Department/Section <b>Corporate Services</b>	Policy # <b>POL-HR-7.10</b>
Subject <b>Council Code of Conduct</b>	Enacted by Council: <b>March 1, 2019</b>
	Motion # <b>C190213-13</b>

## 1. Purpose:

The Council of the Township of Oro-Medonte is committed to achieving high standards of conduct which is essential to maintain and ensure public trust and confidence in the Township's planning, administration, and operations. Members of Council of the Township of Oro-Medonte will act in an accountable and responsible manner with integrity, transparency, and fairness in its decision making. This Code of Conduct shall establish a minimum standard of behaviour for Council members while carrying out their roles and responsibilities as an elected official.

## 2. Scope:

This Policy will assist Council in:

- a) Understanding the standards of conduct expected and the relevant laws that apply in relation to those standards;
- b) Fulfilling duties to act honestly and exercise care and diligence;
- c) Acting in a manner that enhances public confidence in local government; and
- d) Identifying and resolving situations which might involve a conflict of interest or a potential misuse of position and authority.

The Code of Conduct for Members of Council operates along with, and as a supplement to the existing statutes governing conduct, and the Council and Staff Relationships Policy.

### **3. Definitions:**

The following terms shall have the following meanings in this Policy:

“CAO” means the Chief Administrative Officer of the Township;

“Clerk” means the Clerk of the Township;

“Communication” means written or spoken words in the form of e-mail transmissions, Instant Message (IM) transmissions or text messages, telephone and cell phone communications, communications generated electronically, and pictures.

“Council” means the Council for the Township;

“Mayor” means the head of Council;

“Members” means a Member of Council;

“Policy” means this Council and Staff Relationship Policy;

“Preferential” means giving specific advantage or priority to a person or group.

“Public Comment” means disclosures or statements made in public, or in the course of a speech, lecture, radio, television or internet broadcast, in the press, or in published form.

“Confidential Information” means information that is not available to the public as a general course of established municipal practice, or is restricted and controlled under the Municipal Freedom of Information and Protection of Privacy Act. The following is in no way an exhaustive list of information that is to be protected, but it shall provide guidance as to the nature of the information to be protected:

- a) Personal data of employees or others;
- b) Records related to internal policies and practices, which if disclosed, may prejudice the effective performance of a municipal operation;
- c) Records of a financial nature reflecting information given or accumulated in confidence;
- d) Files prepared in connection with litigation and adjudicative proceedings;
- e) Confidential Reports of consultants, policy drafts and/or internal communications, which, if disclosed, may prejudice the effective operation of the municipality; and
- f) Reports and correspondence considered during Closed Session of Council which shall be returned to the Clerk at the end of each meeting.

“Pecuniary Interests” means interests that have a direct or indirect financial impact. They include:

- a) Any matter in which the member has a financial interest;
- b) Any matter in which the member is a shareholder in, or a director or senior officer of a corporation that does not offer its securities to the public and such corporation has a financial interest in the matter;
- c) Any matter in which the member has a controlling interest in, or is a director or senior officer of, a corporation that offers its securities to the public and such corporation has a financial interest in the matter;
- d) Any matter in which the member is a member of a body and such body has a financial interest in the matter; and
- e) Any matter in which a parent, spouse, same sex partner or any child of the member has a financial interest, if known to the member.

“Staff” means the CAO and all officers, directors, managers, supervisors, and all non-union and union employees, whether full-time, part-time, contract, seasonal or volunteer employees, as well as agents and consultants acting in furtherance of the Township’s business and interests;

“Township” means The Corporation of the Township of Oro-Medonte.

“Workplace” means any land, premises, location or thing at, upon, in or near which a worker works.

“Workplace Harassment” means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

#### **4. Policy:**

##### **Roles and Obligations**

Council members recognize their mandate includes a duty to:

- a) Fairly represent the diversity of community views in developing an overall strategy for the future of the Township;
- b) Set objectives and determine strategies to achieve the goals of the Township’s Strategic Plan;
- c) Achieve sound financial management, planning, and accountability;

- d) Be aware of and understand statutory obligations imposed on Council as a whole, as well as each individual member of Council;
- e) Represent the public and consider the well-being and interests of the municipality at large;
- f) Establish policies that define the strategic priorities to be achieved, policies for Council processes, and the parameters within which the CAO and senior management are to operate;
- g) Establish policies and procedures to ensure that high quality municipal services and programs are provided in a cost-effective manner;
- h) Balance the diverse values, aspirations, priorities, and competing interests of the whole community;
- i) Evaluate and determine the programs and services provided by the municipality;
- j) Make sound, effective and timely decisions based upon objective data and the open debate of issues;
- k) Conduct its activities in an orderly, professional and businesslike manner while ensuring accountability and transparency of the operations of the municipality;
- l) Be honest and respectful of each other in their communications with the public, media, and staff;
- m) Ensure that confidential matters and materials disclosed before or during Closed Sessions are kept confidential;
- n) Respect each other's time, honour commitments and provide advance notice of absences for meetings and other commitments to the Mayor and the Clerk's Office;
- o) Exercise their right to vote on all matters unless otherwise prohibited by statute;
- p) Embrace and encourage constructive disagreement and discussion while avoiding discouraging destructive conflict;
- q) Make reasonable attempts to build consensus on issues and failing that will respect the majority vote of Council; and
- r) Maintain financial integrity of the municipality.

## Confidentiality

Authorized under Section 239 of the Municipal Act, 2001, as amended, where a matter discussed at a Closed Session meeting remains confidential, no member shall disclose the content of that matter, or the substance of the deliberations of a Closed Session meeting. Members shall not permit any persons, other than those who are entitled thereto, to have access to confidential information. Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required to do so by law.

Particular care should be exercised in ensuring the confidentiality of restrictive information. The following is in no way an exhaustive list of information that is to be protected, but it shall provide guidance as to the nature of the information to be protected:

- a) The security of the property of the municipality or local board;
- b) Personnel matters about an identifiable individual, including municipal employees;
- c) A proposed or pending acquisition or disposition of land by the municipality or local board;
- d) Labour relations or employee negotiations;
- e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
- f) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g) A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- h) Items under negotiation, or personnel matters;
- i) Information that infringes on the rights of others (e.g. sources of complaints where the identity of a complainant is given in confidence);
- j) Price schedules in contract tender or Request For Proposal submissions as specified;
- k) Information deemed to be “personal information” under the Municipal Freedom of Information and Protection of Privacy Act;
- l) Statistical data required by law not to be released (e.g. certain census or assessment data); and,
- m) Any and all statements that have been provided in confidence.

The above list is provided as an example and is not inclusive. Requests for information will be referred to the appropriate staff to be addressed as either an informal request for access to municipal records or as a formal request under the Municipal Freedom of Information and Protection of Privacy Act.

### **Conflict of Interest and Improper Use of Influence**

Members of Council will recognize their obligation to follow and respect the provisions of the Municipal Conflict of Interest Act, as amended. The onus is on the member of Council to disclose any possible conflicts of interest.

No member shall use the influence of their office for any purpose other than for the exercise of their official duties. No member shall seek or obtain by reason of their office any personal privilege or private advantage with respect to Township services not otherwise available to the general public and not consequential to their official duties.

### **Conduct at Meetings**

During Council, committees, or any other advisory committee meetings, or working group meetings, members shall conduct themselves with decorum and in accordance with the Township's Procedural By-law. Respect for delegations and for fellow Council members and staff requires that all members show courtesy and not distract from the business of Council during presentations and when other members have the floor. In addition to this, meetings shall provide a platform for transparent and healthy debate among members.

### **Acceptance of Gifts**

Members of Council shall not accept gifts except as may be permitted under POL-HR-4.07 Receipt of Gifts policy.

### **Expenses**

Members of Council shall comply with the provisions of the Township's applicable policies relative to per diem payments and expenses governing reimbursement for attendance at meetings, conferences, seminars, training courses, and workshops.

### **Use of Township Property, Services and Other Resources**

Members shall not use any Township property, equipment, services, or supplies other than for purposes connected with the discharge of their official duties or associated community activities having the sanction of Council.

Members shall not obtain financial gain from the use of Township developed intellectual property, computer programs, technology innovation, or other kinds of property, while an elected official or thereafter. All such property remains the exclusive property of the Township.

## **Conduct of a Political Nature**

Members shall comply with the Township Policy POL-ADM-11, regulating the Use of Corporate Resources During Elections. No member shall use Township facilities, services or property for their re-election campaign. Further, no member shall use the services of the Township employees for their re-election campaign during hours in which the employees are in the paid employment of the Township.

## **Discreditable Conduct**

Members shall abide by the provisions of the Human Rights Code and, in doing so, shall treat every person 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.

Harassment may be defined as any behaviour by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability and receipt of public assistance, and other grounds under the provisions of the Ontario Human Rights Code.

Members shall comply with POL-HS-2-01-02, Respect in the Workplace (Harassment and Violence) Policy. Discrimination or harassment of another member, staff, or any member of the public is deemed misconduct. All persons shall be treated fairly in the workplace in an environment free of discrimination and/or personal harassment.

## **Public Input**

Council will periodically use formal and informal opportunities to seek public input as a component of the decision making process which have broad impacts on the community. The purpose of the exercise will be to provide stakeholders with a mechanism to provide opinions and advice so that the widest range of views and information is available before final decisions are made.

Council may, from time to time, establish committees to provide advice on specific issues. Such committees shall not be established without the sanction of Council.

## **Professional Development**

Members of Council have an obligation to promote, support, pursue, and partake in opportunities for professional development.

## **5. Consequences of Misconduct**

Every Member of Council who fails to meet their obligations under this Code is subject to any one or a combination of consequences below as determined by the appointed Integrity Commissioner:

- a) Reprimand in Open Council (Censure);
- b) Suspension of office for a period of not more 90 business days;
- c) Suspension of honorariums for a period of not more than 90 business days;
- d) Removal of honorariums for period of not more than 90 business days;
- e) Removal from committees of Council;
- f) Any combination of the above.

## **6. Investigation of Complaint**

Any person may file a complaint regarding the conduct of a Member of Council.

A Complaint must be made in writing, identifying the section(s) of the Code which they believe has been violated, signed by the person making the complaint and accompanied by a supporting affidavit. Forms will be provided by the Clerk's Office.

The Clerk, upon receipt of a complete complaint shall acknowledge receipt of the complaint and forward to the CAO to review the complaint and determine whether an investigation should be commenced.

Where it is determined that a further review and investigation may be required, the complaint shall be forwarded to the appointed Integrity Commissioner. The Integrity Commissioner may investigate the complaint(s), make findings, and report to Council on breaches, or potential breaches, of this Code. The Integrity Commissioner will also recommend to Council what the appropriate consequences of the breach may be.

Where the Integrity Commissioner appointed for the municipality cannot or will not make a determination regarding a complaint, Council may pass a resolution requesting a the Ontario Superior Court of Justice to conduct an investigation of the member's conduct under Section 274(1) of the Municipal Act, 2001 as amended. Should it be determined that a breach has occurred; the consequences contained in this policy shall be considered along with all other penalties provided for in other acts of the legislature.

All complaints containing allegations of corruption or other criminal conduct will be referred to the police.

The Integrity Commissioner shall conduct the investigation in accordance with the principles as set out in the Public Inquiries Act.

In conducting the investigation, the Integrity Commissioner must maintain records of information gathered and witnesses interviewed. Investigations are to be conducted in private, and all information is to be treated as confidential.



The Integrity Commissioner shall provide a report to Council in Open Session, which shall contain the Commissioner's opinion as to whether a breach of this Code has occurred along with any recommended consequences or sanctions. Council shall be required to accept or decline, by a recorded vote, the report of the Commissioner.

The Council body will be responsible for the implementation of any consequences, penalties or sanctions against its members.

If the Integrity Commissioner finds that a complaint has been filed that is malicious, frivolous, vexatious, or has no basis in fact, the complainant may be required to reimburse the municipality for the Integrity Commissioner's fees and costs associated with the complaint.

## **7. Advice on Potential Breaches**

The appointed Integrity Commissioner may advise Members of Council on potential breaches of the Code. Members who receive advice are entitled to rely on it, and will not be subject to sanctions should they have relied on the advice and are still found to be in breach of the Code.

## **8. Other**

### **Limitation**

Nothing in this Policy shall preclude a member of Council from performing their job as Mayor, Deputy Mayor, or Councillor, nor inhibit them from representing the interests of the constituents who elected them.

### **Implementation**

Upon adoption of the Council Code of Conduct and thereafter at the beginning of each term, members of Council will be expected to sign a copy of the Council Code of Conduct to convey to each other and all stakeholders that they have read, understood, and accepted the terms of the Code.

Council members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis or when so requested by Council.

### **Enforcement**

That, in accordance with the Municipal Act, the Township Clerk be authorized and directed to take the necessary action to give effect to this Policy.