

<b>TOWNSHIP OF SIOUX NARROWS - NESTOR FALLS POLICY &amp; PROCEDURE MANUAL</b>		
<b>Category: Human Resources</b>	<b>Topic: Code of Conduct for Members of Council and Local Board Members</b>	<b>Number: B-20</b>
<b>Date: May 15, 2012</b>		<b>Page: 1 of 8</b>

**Purpose**

The principal objective of this Code is to outline the behaviours expected of all Members.

**Policy**

The Code of Conduct (“Code”) for Members of Council and Local Board Members (“Members”) supports the Township’s core values of accountability, dedication, honesty, innovation, respect and teamwork. Members are accountable to the citizens of Sioux Narrows – Nestor Falls and are responsible for the assets entrusted to them. Members must demonstrate the highest standards of ethical, business and personal behaviour. Therefore every Member is expected to comply with this Code and other Township policies, procedures and applicable laws.

**Definitions**

Agent: Means a representative who acts on behalf of other persons or organizations, but does not include Members performing Official Duties.

By-law: Means a regulation passed by the Township or Local Board for the government of its affairs.

Confidential Information: Means information in the possession of the Township or Local Board:

- that the Township or Local Board is either prohibited from disclosing or is required to refuse to disclose under the Municipal Freedom of Information and Protection of Privacy Act or other legislation;
- concerning personnel, labour relations, litigation or property acquisitions;
- the security of the property of the Township or a Local Board;
- personal information or information which would reasonably be considered confidential related to any customer, supplier or business that works with or for the Township or Local Board; or
- referred to as “confidential” in the Township’s Procedural By-laws or Local Board procedures.

**Employee/Staff:** Means a person employed by the Township or Local Board, including those employed on a personal services contract, and volunteers, but does not include Members.

**Family Member:** Means a parent, spouse, or child of a Member, as defined in the Municipal Conflict of Interest Act and shall also include a grandparent, grandchild, brother, sister, uncle, aunt, nephew or niece, whether related by blood, marriage or adoption.

**Indirect Pecuniary Interest:** Means an indirect pecuniary interest as defined in the Municipal Conflict of Interest Act, and includes a direct or indirect pecuniary interest of a Family Member, if known to the Member.

**Integrity Officer:** Means the Integrity Commissioner appointed by Council pursuant to the Municipal Act, 2001.

**Local Board:** Means a local board as defined in section 223.1 of the Municipal Act, 2001.

**Members:** Means a member of Council or a member of a Local Board.

**Official Duties:** Means functions performed by Members necessary to demonstrate responsible and accountable government with respect to matters within the Township or Local Board's jurisdiction, and which are done for the purpose of providing good government with respect to those matters.

**Pecuniary Interest:** Means an interest that an individual may have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss for the Member, other than a pecuniary interest, which is excluded under the Municipal Conflict of Interest Act. Pecuniary Interest also includes a direct or indirect pecuniary interest within the meaning of the Municipal Conflict of Interest Act.

**Personal Information:** As defined in the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56 ("MFIPPA"), means recorded information about an identifiable individual, and includes,

- a. information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- b. information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- c. any identifying number, symbol or other particular assigned to the individual,
- d. the address, telephone number, fingerprints or blood type of the individual,
- e. the personal opinions or views of the individual except if they relate to another individual,

- f. correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- g. the views or opinions of another individual about the individual, and
- h. the individual's name if it appears with other Personal Information relating to the individual or where the disclosure of the name would reveal other Personal Information about the individual.

**Township/Local Board Assets/Property:** Means all property of the Township or Local Board, including equipment, financial assets, land, vehicles, material, documents, whether in hard or digital/electronic form, inventories, tools, electronic equipment, computers, electronic mail, internet services, and intellectual property.

### **External Rules and Regulations to be Incorporated into Code**

This code is intended to complement the Township or Local Board's By-laws and policies, the Municipal Freedom of Information and Protection of Privacy Act, the Municipal Act, 2001, the Municipal Conflict of Interest Act, the Municipal Elections Act, and all other local laws and the laws of the Province of Ontario and Canada including the Criminal Code, as applicable.

### **Integrity**

Every Member shall:

- a. perform their duties with accountability, dedication and honesty;
- b. comply with all applicable legislation, Township by-laws and policies;
- c. seek to advance the common good of the Township of Sioux Narrows – Nestor Falls;
- d. impartially perform his or her duties exercising care, diligence and skill;
- e. conduct themselves in a manner that will not bring the township's reputation into disrepute;
- f. avoid the improper use of the influence of their office by not interfering with legal or quasi-judicial processes, administrative tribunals or committees either involving the Township or on behalf of constituents;
- g. not negotiate or seek to influence the purchase, sale or transfer of land or goods;
- h. not attempt to influence the decision making process as it relates to the award of contracts or settlement claims through personal contact or interaction with the parties administering or directly involved in such processes;
- i. avoid conflicts of interest both real or perceived;
- j. competently exercise his or her office by educating themselves either formally or informally, in matters pertaining to their official duties;
- k. not use their status or position to influence the decision of another individual to the private advantage of themselves or any family member;
- l. not use Township or Local Board assets or property, materials, equipment, facilities or employees time for personal gain except as otherwise permitted by Township or Local

Board policies.

### **Respect for Council and Local Board Decisions**

Members will communicate decisions of Council and Local Boards both accurately and fully in order to foster respect for the decision and decision-making process. Even in situations where a Member does not personally agree with the decision made, Members are expected to support the decision of the Council or Local Board and its right to make that decision.

Decisions and resolutions made by Council or the Local Board will normally be formally announced to the community and media by the Mayor or local board chair or through media releases issued by the township or the Local Board.

### **Respectful Conduct of Members**

The Township is committed to maintaining a healthy, safe and supportive workplace that is free from discrimination, harassment and workplace conflict.

Pursuant to the Ontario Human Rights Code, the Township will not condone discrimination or harassment with respect to race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.

It is the responsibility of every Member to maintain a positive work environment by always conducting themselves in an appropriate manner in the workplace, at any Council related function or in the public eye.

The Township is committed to:

- zero tolerance of discrimination, harassment and workplace conflict;
- resolution of discrimination, harassment and workplace conflict, as soon as possible;
- conducting all aspects of respectful workplace investigations fairly and in a professional manner that respects the dignity of all involved.

### **Respect for Staff**

Members shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from an individual Member or group of Members. Staff have a duty and obligation to act in accordance with standards of conduct prescribed for their professions.

Interactions with staff shall be limited to regular work hours, except in the event of an

emergency.

### **Respect for Confidential Information**

Members acquire confidential information including confidential business and personal information from a variety of different sources. Unless expressly authorized by Council, board resolution or required by law, Members must not release any information that is:

- subject to solicitor-client privilege or litigation;
- obtained in closed meetings;
- subject to the privacy provisions of the Municipal Freedom of Information and Protection of Privacy Act;
- not in the public domain including emails or correspondence that may result in benefit to themselves or cause detriment to Council, the Township or a local board.

### **Conduct at Meetings**

Members shall conduct themselves with decorum at all Council, committee, board meetings and public events. No member shall:

- speak disrespectfully of members of other levels of government, fellow members of council, township staff or the public;
- use offensive words or inappropriate language;
- knowingly breach the rules of order governing Council meetings.

### **Expenses**

Members of Council are provided with a mileage compensation for approved meetings and professional development. All expenses must be reported in a timely fashion in accordance with the Township's Mileage policy and related procedures.

### **Gifts, Benefits and Hospitality**

Members are expected to represent the public and interests of the Township or local board and to do so impartially and objectively. The acceptance of a gift, benefit or hospitality including event tickets can imply favouritism, bias or influence.

Members, their families or staff shall not accept gifts, benefits or hospitality including event tickets that would, to a reasonable person appear to be in gratitude for influence, to induce influence, or otherwise go beyond the necessary and appropriate public functions involved.

Members may accept:

- political contributions in accordance with applicable law;
- assistance provided by volunteers provided such assistance does not bring the Member's, Township's or Local Board's reputation into question;
- food, lodging, transportation, entertainment and honoraria provided by other levels of government or by other local governments, boards, or commissions;
- gifts, such as souvenirs, mementoes and commemorative gifts of nominal value, that are given in recognition of service on a committee, for speaking at an event, or representing the Township or Local Board at an event, provided such item does not exceed the value permitted for members of the Legislative Assembly of Ontario, as amended from time to time; and,
- a gift or personal benefit that is received as an incident of protocol, customs or social obligations that normally accompany the performance of Official Duties.

Where a Member has any doubt regarding accepting of a gift, benefit or hospitality, the Member shall consult the Township CAO.

### **Conflict of Interest**

Members shall not engage in any activity, financial or otherwise, which is inconsistent with the ethical discharge of their duties to the Township or Local Board.

Members shall not:

- act as an Agent on behalf of a third party except as part of the performance of Official Duties;
- solicit, demand or accept services for re-election purposes, of any Employee or contractor providing services to the Township, during hours in which the Employee, or contractor, is otherwise to be performing work for the Township;
- knowingly be a party to a contract with the Township or Local Board under which the Member receives a benefit;
- have an interest in a private company or partnership that is a party to a contract with the Township or Local Board under which the company or partnership receives a benefit;
- place themselves in a position of a direct or indirect pecuniary interest to any person or organization which might reasonably benefit from special consideration or preferential treatment.

A Member who has reasonable grounds to believe that he or she has breached any of the foregoing, or has a conflict of interest in a matter that is before Council or the Local Board, shall, if present at the Council or Local Board meeting considering the matter:

- a. disclose the general nature of the breach or conflict of interest; and
- b. if required to do so by the Municipal Conflict of Interest Act, refrain from participating in the consideration of the matter or withdraw from the meeting without voting or

participating.

### **Avoidance of Waste**

Members shall avoid waste, abuse and extravagance in the provision or use of public resources.

### **Election Related Activity**

Members of Council are required to conduct themselves in accordance with the Municipal Elections Act, 1996, as amended. Use of municipal resources, both actual municipal property and staff time, for election related activity is strictly prohibited. The prohibition applies to both the promotion and opposition of the candidacy of a person for elected office.

### **Complaint of a violation of this Code made against a Member**

Where an organization, Employee, Member or member of the public has reasonable grounds to believe that a Member has breached this Code, a complaint shall be submitted to the Township CAO. An official designated by the CAO, which may include the CAO, shall be responsible for investigating such complaints and if the parties are in agreement, the complaint may be resolved by way of mediation.

If either party does not participate in the mediation process, if the complaint is not resolved through this process, or the matter is not appropriate for referral to mediation, the CAO or other designated official shall assume responsibility for investigating the complaint in accordance with the procedures established by Council.

In the case of a complaint of discrimination or harassment, the complainant may file a complaint directly to the CAO. The complainant will also be advised of his or her right to advance an application to the Ontario Human Rights Tribunal.

### **Investigations**

In circumstances where the alleged breach of trust or other misconduct is serious in nature, Council may pass a resolution, pursuant to the Municipal Act, 2001, requesting a judicial investigation into the Member's conduct.

### **Non-Compliance with the Policy**

Council Members:

Council Members found to have breached this Code may be subject to discipline including, censure, reprimand or suspension of remuneration, for a period of up to

ninety (90) days or where convicted of an offence under the Criminal Code of Canada, removal from office.

Local Board Members:

Local Board Members found to have breached this Code may be subject to discipline including, censure, reprimand or removal from the local board.