



Council Code of Conduct

**Established in accordance with Part V.1 - Accountability and
Transparency of the Municipal Act, 2001, S.O. 2001, c.25.**

BY-LAW NO. 2018-50

TABLE OF CONTENTS

1. AUTHORITY
2. PREAMBLE
3. DEFINITIONS
4. STATUTORY PROVISIONS
5. REGULATING CONDUCT APPLICATION
6. GIFTS AND BENEFITS
7. CONFIDENTIAL INFORMATION
8. USE OF MUNICIPAL PROPERTY, SERVICES AND OTHER RESOURCES
9. ELECTION CAMPAIGN WORK
10. IMPROPER USE OF INFLUENCE
11. BUSINESS RELATIONS
12. CONDUCT REGARDING CURRENT & PROSPECTIVE EMPLOYMENT
13. CONDUCT AT COUNCIL AND COMMITTEE MEETINGS
14. CONDUCT RESPECTING STAFF
15. DISCREDITABLE CONDUCT
16. FAILURE TO ADHERE TO COUNCIL POLICIES AND PROCEDURES
17. REPRISALS AND OBSTRUCTION
18. ACTING ON ADVICE OF INTEGRITY COMMISSIONER
19. COMPLIANCE WITH THE CODE OF CONDUCT
20. POLICY REVIEW

1. AUTHORITY

The Corporation of the Municipality of East Ferris has established this Council Code of Conduct in accordance with Part V.1 - Accountability and Transparency of the Municipal Act, 2001, S.O. 2001, c.25.

2. PREAMBLE

It is the goal of the Corporation of the Municipality of East Ferris to improve the quality of public administration and governance by encouraging high standards of conduct on the part of all government officials. In particular, the public is entitled to expect the highest standards of conduct from the members that it elects to local government. In turn, adherence to these standards will protect and maintain the Corporation of the Municipality of East Ferris' reputation and integrity.

Subsection 223.2 of the Municipal Act, 2001 now requires the Municipality to establish a code of conduct for members of Council. In response, the Municipality adopted the following Code of Conduct by By-law No. 2018-50. It is intended to supplement and be compatible with the laws governing the conduct of members.

The key statements of principle that underline the Corporation of the Municipality of East Ferris Code of Conduct are as follows:

- Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner;
- Members of Council should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both apparent and real;
- Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and
- Members of Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws of the Federal Parliament and Ontario Legislature, and the laws and policies adopted by Council.

3. DEFINITIONS

In the Code of Conduct, the terms "child", "parent" and "spouse" have the same meanings as in the Municipal Conflict of Interest Act:

“child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;

“parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child; and

“spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

4. STATUTORY PROVISIONS

This Code of Conduct operates along with and as a supplement to the existing statutes governing the conduct of members. The following provincial legislation governs the conduct of members of Council:

- the Municipal Act, 2001;
- the Municipal Conflict of Interest Act;
- the Municipal Elections Act, 1996; and
- the Municipal Freedom of Information and Protection of Privacy Act.

The Criminal Code of Canada also governs the conduct of members of Council.

5. REGULATING CONDUCT APPLICATION

This Code of Conduct applies to the Mayor and all members of Council.

6. GIFTS AND BENEFITS

No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office, unless permitted by the exceptions listed below.

For these purposes, a fee or advance paid to or a gift or benefit provided with the member’s knowledge to a member’s spouse, child, or parent, or to a member’s staff that is connected directly or indirectly to the performance of the member’s duties is deemed to be a gift to that member.

The following are recognized as exceptions:

(a) compensation authorized by law;

- (b) gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- (c) a political contribution otherwise reported by law, in the case of members running for office;
- (d) services provided without compensation by persons volunteering their time;
- (e) a suitable memento of a function honouring the member;
- (f) food, lodging, transportation and entertainment provided by provincial, and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the member is either speaking or attending in an official capacity;
- (g) food and beverages consumed at banquets, receptions or similar events, if:
 - attendance serves a legitimate business purpose;
 - the person extending the invitation, or a representative of the organization is in attendance; and
 - the value is reasonable and the invitations infrequent;

In the case of categories (b), (e), (f), and (g), if the value of the gift or benefit exceeds \$100.00, or if the total value received from any one source during the course of a calendar year exceeds \$100.00, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the Integrity Commissioner.

The disclosure statement must indicate:

1. the nature of the gift or benefit;
2. the source and date of receipt of the gift or benefit;
3. the circumstances under which the gift or benefit was given or received;
4. the estimated value of the gift or benefit;
5. what the recipient intends to do with any gift; and
6. whether any gift will at any point be turned over to the municipality.

Any disclosure statement will be a matter of public record.

On receiving a disclosure statement, the Integrity Commissioner shall examine it to ascertain whether the receipt of the gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the member. If the Integrity Commissioner makes that preliminary determination, he or she shall call upon the member to justify receipt of the gift or benefit.

Should the Integrity Commissioner determine that receipt was inappropriate, he or she may direct the member to return the gift, reimburse the donor for the value of any gift or

benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the Municipality.

Except in the case of categories (a), (c), and (f), a member may not accept a gift or benefit worth in excess of \$300.00 or gifts and benefits from one source during a calendar year worth in excess of \$300.

7. CONFIDENTIAL INFORMATION

Confidential information includes information in the possession of or received in confidence by the Municipality of East Ferris that the Municipality of East Ferris is either prohibited from disclosing, or is required to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) or other legislation.

Generally, MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege.

The Municipal Act, 2001 allows information that concerns personnel, labour relations, litigation, property acquisitions, the security of the property of the Municipality or a local board, and matters authorized in other legislation, to remain confidential. For the purposes of the Code of Conduct, “confidential information” also includes this type of information.

No member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so. Nor shall members use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.

In accordance with Procedural By-law No. 2215, a matter that has been discussed at an in-camera (closed) meeting remains confidential. No member of Council shall disclose the content of such matter, or the substance of deliberations, of the in-camera meeting until the Council or committee discusses the information at a meeting that is open to the public or releases the information to the public.

The following are examples of information that a member of Council must keep confidential:

- items under litigation, negotiation, or personnel matters;
- information that infringes on the rights of others (e.g., sources of complaints where the identity of a complainant is given in confidence);
- price schedules in contract tender or Request for Proposal submissions if so specified;
- information deemed to be “personal information” under MFIPPA; and

- statistical data required by law not to be released (e.g. certain census or assessment data).

Members of Council should not access or attempt to gain access to confidential information in the custody of the Municipality unless it is necessary for the performance of their duties and not prohibited by Council policy.

8. USE OF MUNICIPAL PROPERTY, SERVICES AND OTHER RESOURCES

No member of Council should use, or permit the use of municipal land, facilities, equipment, supplies, services, staff or other resources (for example, municipal-owned materials, websites) for activities other than the business of the Corporation. Nor should any member obtain personal financial gain from the use or sale of municipal-developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the Municipality.

9. ELECTION CAMPAIGN WORK

Members are required to follow the provisions of the Municipal Elections Act, 1996. No member shall use the facilities, equipment, supplies, services or other resources of the Municipality (including newsletters and websites linked through the municipal website) for any election campaign or campaign-related activities. No member shall undertake campaign-related activities on municipal property during regular working hours unless permitted by policy (e.g., all candidates meetings). No member shall use the services of persons for election-related purposes during hours in which those persons receive any compensation from the Municipality.

10. IMPROPER USE OF INFLUENCE

No member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.

Examples of prohibited conduct are the use of one's status as a member of Council to improperly influence the decision of another person to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise. Also prohibited is the prospect or promise of future advantage through a member's supposed influence within Council in return for actions or inaction.

For the purposes of this provision, "private advantage" **does not include** a matter:

- (a) that is of general application;
- (b) that affects a member of Council, his or her parents, children or spouse, staff

members, friends, or associates, business or otherwise as one of a broad class of persons; or

(c) that concerns the remuneration or benefits of a member of Council.

11. BUSINESS RELATIONS

No member shall act as a paid agent before Council, its committees, or an agency, board or commission of the Municipality except in compliance with the terms of the Municipal Conflict of Interest Act.

A member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

12. CONDUCT REGARDING CURRENT & PROSPECTIVE EMPLOYMENT

No member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the Municipality.

13. CONDUCT AT COUNCIL AND COMMITTEE MEETINGS

Members shall conduct themselves with decorum at Council and committee meetings in accordance with the provisions of By-law No. 2215, A By-law to Govern the Proceedings of Council, Local Boards and Committees of either, the Conduct of its Members, the Calling of the Meetings and to Establish Rules of Order.

14. CONDUCT RESPECTING STAFF

Under the direction of the CAO, staff serve the Council as a whole, and the combined interests of all members as evidenced through the decisions of Council. Council members shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from any individual member or a faction of Council.

Accordingly, no Council member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of staff.

No Council member shall compel staff to engage in political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any Council member use, or attempt to use, their authority or influence for the purpose of

intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties.

15. DISCREDITABLE CONDUCT

All members of Council have a duty to treat members of the public, one another, and staff appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment. The Ontario Human Rights Code applies as well as the Occupational Health and Safety Act.

16. FAILURE TO ADHERE TO COUNCIL POLICIES AND PROCEDURES

Several of the provisions of this Council Code of Conduct incorporate policies and procedures adopted by Council. As a result, members of Council are required to observe the terms of all policies and procedures established by the Municipality of East Ferris.

17. REPRISALS AND OBSTRUCTION

Members of Council should respect the integrity of the Council Code of Conduct and investigations conducted under it. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commissioner is prohibited. It is also a violation of the Council Code of Conduct to obstruct the Integrity Commissioner in the carrying out of her or his responsibilities, as, for example, by the destruction of documents or the erasing of electronic communications.

18. ACTING ON ADVICE OF INTEGRITY COMMISSIONER

Any written advice given by the Integrity Commissioner to a member binds the Integrity Commissioner in any subsequent consideration of the conduct of the member in the same matter if all the relevant facts known to the member were disclosed to the Integrity Commissioner.

19. COMPLIANCE WITH THE COUNCIL CODE OF CONDUCT

Members of Council are accountable to the public through the four-year election process. 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, subsection of the Municipal Act, 2001, authorizes Council to impose either of two penalties on a member of Council following a report by the Integrity Commissioner that, in her or his opinion, there has been a violation of the Code of Conduct:

1. A reprimand; or
2. Suspension of the remuneration paid to the member in respect of his or her services as a member of Council or a local board for a period of up to 90 days.

Other Actions:

The Integrity Commissioner may also recommend that Council or a local board take the following actions:

1. Removal from membership of a Committee or local board.
2. Removal as Chair of a Committee or local board.
3. Repayment or reimbursement of moneys received.
4. Return of property or reimbursement of its value.
5. A request for an apology to Council, the complainant, or both.

20. REVIEW

To proactively manage policy review, it is desirable to set a review date. Therefore, a review of this policy shall be performed in the year of a Municipal Election in order to maintain its accuracy and applicability. Should legislation that governs this Council Code of Conduct change prior to the year of a Municipal Election, the policy shall be reviewed and revised accordingly.