



THE CORPORATION OF THE TOWNSHIP OF ADJALA – TOSORONTIO

Council Code of Conduct

POLICY # ADM 2016-02

ENACTED BY COUNCIL: June 23, 2016

MOTION NUMBER: 16-125

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1 PURPOSE

- 1.1 The Council Code of Conduct provides a standard for acceptable conduct for Members of Council in performing their role of representing the Township of Adjala-Tosorontio as a whole.

2 BACKGROUND

- 2.1 The Municipal Act, 2001 authorizes municipalities to establish a Code of Conduct for its Members of Council.
- 2.2 The Council Code of Conduct is a general standard that augments Provincial laws, municipal policies and by-laws that govern conduct. It is not intended to replace personal ethics. This policy is not intended to be exhaustive. This policy is intended to guide Members of Council in matters of conduct, to avoid any potential for conflict of interest and to assist Members in serving the public in a manner beyond reproach.

3 SCOPE

- 3.1 The Code of Conduct shall apply to all Members of Council and Committees of Council (as defined in the Municipal Act). Any reference used herein to Members of Council also refers to Committees of Council.

4 DEFINITIONS

- 4.1 For the purposes of this Code of Conduct:
1. “Censure” means an official expression of disapproval or condemnation.
 2. “Chief Administrative Officer” means the Chief Administrative Officer (CAO) of the Township.

3. “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 their family.
4. “Clerk” means the Clerk for the Corporation of the Township of Adjala-Tosorontio.
5. “Code of Conduct” means the Council Code of Conduct as it applies to Members of Council and Committees of Council.
6. “Committee of Council/Council Committee” means a Committee of Council established by by-law or resolution of Council.
7. “Communications” includes, but not limited to, spoken word between persons, written or spoken words in the form of letter, newsletter, email transmission, Instant Message (IM) transmission, including all forms of social media, telephone and cell phone communication, communication generated electronically, and pictures.
8. “Confidential information” includes information in the possession of the Township that falls within the discretionary or mandatory exemptions from disclosure, under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Personal Health Information Protection Act (PHIPA) or other privacy legislation. Generally, information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is subject to solicitor-client privilege and information that is deemed to be “personal information” is subject to exemption from disclosure pursuant to MFIPPA.

Confidential information also refers to other information which is not available to the public and that, if disclosed, could result in loss or damage to the Corporation or could give the person to whom it is disclosed an unfair advantage. Such confidential information includes, but is not limited to the following:

- i) information circulated to Members of Council and marked “Confidential”; and
- ii) information disclosed for the purposes of, or discussed at a Closed Meeting of Council or its Boards and includes, but is not limited to, the following types of information:
 - personal matters about an identifiable individual(s)
 - information about suppliers provided for evaluation purposes which might, if made public, be used by others to gain advantage;
 - matters relating to the legal affairs of the Township;

- sources of complaints where the identity of the complainant is given in confidence;
 - matters under negotiation; and
 - matters identified as solicitor-client privileged.
9. “Corporation” means the Corporation of the Township of Adjala-Tosorontio.
 10. “Council” means the Council for the Township of Adjala-Tosorontio.
 11. “Family member” means “child”, “parent” and “spouse”.
 12. “Gifts, hospitality, benefits and prerequisites” means any cash or monetary equivalent, fee, object of value, service, travel and accommodation, or entertainment.
 13. “Good faith” means in accordance with standards of honesty, trust and sincerity.
 14. “Hospitality” means instances where there is entertainment of or by outside parties for the furtherance of municipal business.
 15. “Member” means Members of Council and its Committees of Council, and includes external appointees.
 16. “Official duties” means the public duties of a Member and includes functions performed by Members necessary to demonstrate responsible and accountable government with respect to matters within the Township’s jurisdiction, and which are done for the purpose of providing good government with respect to those matters.
 17. “Parent” means a person who has demonstrated a settled intention to treat a child as a member of their family whether or not that person is the natural parent of the child.
 18. “Pecuniary interests” are interests that have a direct or indirect financial impact or as defined under the Municipal Conflict of Interest Act as amended from time to time.
 19. “Personal benefit” means forms of advantage other than financial such as seeking an appointment, promotion or transfer within the Corporation on behalf of a family member and includes the private interests of a Member.
 20. “Private/personal interest” means all of the activities of a Member not included in the term defined as “Official Duties”.

21. "Spouse" means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
22. "Staff" means any person employed by the Township, and includes persons employed on a full-time, part-time, temporary, and seasonal or contract basis and in addition for the purpose of this policy volunteer firefighters acting under the authority of the Fire Chief, but does not include Members.
23. "Township" means the Corporation of the Township of Adjala-Tosorontio.
24. "Township Property" means items, services or resources which are the property of the Township, including but not limited to: materials, equipment, vehicles, facilities, technology, Township-developed computer programs or technological innovations, databases, intellectual property, Township-owned images, logos, coat of arms, and supplies.

5 RESPONSIBILITY

- 5.1 All Members shall be responsible for ensuring that the principles of this policy are upheld.

6 PROCESS

6.1 Statutory Provisions Regulating Conduct

- 6.1.1 The Code of Conduct operates along with and as a supplement to the Township Procedural By-law which outlines the conduct of Members while in attendance at Council proceedings.

This Code of Conduct is consistent with the following statutes (as amended) which also govern the conduct of Members:

- a) *Municipal Act, 2001, S.O. 2001, c.25;*
- b) *Municipal Conflict of Interest Act, R.S.O. 1990, c.M. 50;*
- c) *Municipal Freedom of Information and Protection of Privacy Act, R.S.) 1990, c.M. 56;*
- d) *Municipal Elections Act, 1996, S.O. 1996, c.32;*
- e) *The Occupational Health and Safety Amendment Act (Violence and Harassment in the workplace) 2009;*
- f) *Ontario Human Rights Code;*
- g) *The Township of Adjala-Tosorontio Procedural By-law, as amended;*
- h) *The Criminal Code of Canada*

6.2 General Standards of Conduct:

- 6.2.1 Members shall in exercising and discharging their Official Duties:

- a) seek to advance the common good of the Township;
- b) truly, faithfully and impartially exercise their office to the best of their knowledge and ability;
- c) exercise care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances;
- d) competently exercise their office by educating themselves either formally or informally, in matters pertaining to their official duties.
- e) when appointed to committees and other bodies as part of their duties, must make every effort to participate diligently in these bodies with good faith and care;
- f) uphold the law and conduct oneself in a positive, professional, honest, ethical and fair manner;
- g) not make statements known to be false or make a statement with the intent to mislead Council or the public;
- h) not to undermine or damage a debate or decision or otherwise erode the authority of Council;
- i) ensure discourse is appropriate and professional and shall refrain from inappropriate or offensive language and shall avoid personalities;
- j) respect the role of staff in the daily conduct of operations of the Township;
- k) respect the office of other Members;
- l) be respectful of the Corporation in all communications with the public, media, and staff;
- m) conduct oneself with appropriate decorum at all times in the community or when making presentations on behalf of the Township;
- n) not bully, threaten, coerce, or otherwise harass, or intimidate staff, the public, or public agencies;
- o) not engage in any form of slanderous, malicious, or demeaning communications in regards to other Members, staff, or the public.

6.3 Accountability and Transparency

6.3.1 Members are to be committed to carrying out their Township duties with integrity, accountability and transparency.

6.3.2 Members are expected to perform their duties and arrange their public affairs, in a manner that promotes public confidence in the integrity of the Member as well as fosters respect for Council and the Corporation.

6.4 Confidentiality

The Township is bound by the provisions of both provincial and federal legislation as it relates to protection of privacy and disclosure of information. Members shall not access, use or disclose information in contravention of applicable privacy laws.

6.4.1 Members shall not:

- a) disclose or release by any means to any person in oral or written form, any confidential information, acquired by virtue of their office, except when required by law or authorized by Council to do so;
- b) use confidential information including information that they have knowledge of by virtue of their position that is not in the public domain, including e-mails and correspondence from other Members, staff, or third parties, for personal or private gain, or for the gain of relatives or any person or corporation or to cause detriment to the Township;
- c) directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of Township property or assets;
- d) disclose the content of any such matter, including agendas, or the substance of deliberations, of an in-camera (closed) 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;
- e) permit any person, other than those who are entitled thereto, to have access to information that is confidential;
- f) access or attempt to gain access to confidential information in the custody of the Township unless it is necessary for the performance of their duties and not prohibited by policy, legislation, or licensing.
- g) release confidential information and this obligation continues after the Member ceases to be a Member of Council.

6.5 Gift and Benefits

6.5.1 This section is intended to provide transparency around the receipt of incidental gifts and benefits and to establish a threshold whereby the total value could be perceived as potentially influencing a decision. Gifts and benefits are often received by elected officials in the course of their duties and attendance at public functions is expected and considered part of the role. Business-related entertainment and gift-giving can be a token of respect and admiration for the Member but can also be seen as an instrument of influence and manipulation.

To ensure and foster a culture of impartiality and objectivity, no Member shall directly or indirectly solicit any gift or accept/receive a fee, advance, cash, gift, or personal benefit which may be tied or inferred to be tied directly or indirectly to their position or the performance of their duties of office unless permitted by the exceptions listed below.

- a) compensation authorized by by-law or policy;
- b) such 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;

- d) services provided without compensation by persons volunteering their time to a Member;
- e) a suitable memento of a function honouring the Member;
- f) sponsorships and donations for community events or initiatives organized or run by a Member or a third party on behalf of a Member where Council has authorized or endorsed the event or initiative;
- g) admission to a training or education program, including meals and refreshments furnished to all attendees, if such training or education is related to the Member's role;
- h) food, lodging, transportation and entertainment provided by federal, provincial or other local or regional governments 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 at an official event;
- i) food and beverages consumed at banquets, receptions, or similar events, if:
 - (i) attendance serves a legitimate business purpose;
 - (ii) the value is reasonable and the invitations infrequent;
- j) communication to the office of a Member including subscriptions to newspapers and periodicals related to the duties of Office;
- k) business meals.

6.5.2 A fee or advance paid to or a gift or benefit provided with the Member's knowledge to a Family member 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.

6.5.3 Each Member is individually accountable to the public and is encouraged to keep a list of all gifts and benefits received from individuals, firms or associations, with estimated values.

6.5.4 Except in the case of category a), d), h), or j) of 6.5.1, a Member may not accept a gift or benefit in excess of \$250.00 or gifts and/or benefits from one source during a calendar year worth in excess of \$250.00.

6.6 Use of Township Property, Services and Other Resources

6.6.1 Members may only use Township property, including land, indoor and outdoor facilities, equipment, supplies, services, staff or other resources (for example, Township-owned materials, computers, networks, websites) for activities directly connected with the discharge of their official duties or as appropriate, local municipal duties.

- 6.6.1.1 Notwithstanding section 6.6.1, use of Township facilities will be permitted for personal use, in accordance with Township policies.
- 6.6.1.2 Occasional or incidental personal use of Township computers or similar devices and communication systems is considered acceptable, subject to the provisions of the Municipal Elections Act and other Township policies. Such use may be subject to the Municipal Freedom of Information and Protection of Privacy Act.
- 6.6.2 Members shall not obtain personal benefit or financial gain from the use or sale of Township property, including Township-developed intellectual property (e.g. inventions, creative writings, computer programs and drawings), technological innovations, Township owned images, logos, coat of arms, or other items capable of being copyrighted. All such property remains the exclusive property of the Township.
- 6.6.3 The Township licenses the use of computer software from a variety of vendors. Software is normally copyrighted and no Member may copy or distribute the software unless expressly permitted to do so under the applicable license. This applies to the use of personal computer, fax machines, printers, or other electronic or technological devices, etc.
- 6.6.4 Any equipment or supplies purchased by the Township to allow a Member to exercise their official duties (e.g. computer, electronic devices, etc.) is Township property and is to be returned to the Township upon termination or completion of the Member's term.

6.7 Political/Election Campaign Activity

- 6.7.1 Members are required to follow the provisions of the Municipal Elections Act, 1996.
- 6.7.2 Members must ensure compliance with all legislative requirements and shall not use facilities, equipment, supplies, services or other resources of the Township (including Councillor websites or social media sites linked through the Township's website) for any election campaign or campaign-related activities.
- 6.7.3 Additionally, Members shall not utilize the services of staff for any political campaign activity during hours in which they receive any compensation from the Township.
 - 6.7.3.1 The only exception to this will be those activities directly associated with election proceedings as prescribed in the Township's Procedural By-law or other by-laws (e.g. relating to the election of Chairs and/or Vice Chairs of any committees of Council, etc.).

6.8 Municipal Conflict of Interest Act

6.8.1 Members shall recognize and be aware of their obligations under the Municipal Act, 2001 and the Municipal Conflict of Interest Act, as amended from time to time, and conduct themselves accordingly.

6.9 Improper Use of Influence

6.9.1 Members shall not use the influence of their office for any purpose other than to exercise official duties.

6.9.2 Examples of prohibited conduct are the use of one's status as a Member to improperly influence the decision of another person to the private advantage of oneself, or one's parents, children, spouse, staff members, friends, or associates (business or otherwise). This would include attempts to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties. Also prohibited, is the holding out of the prospect or promise of future advantage through a Member's supposed influence within Council in return for present actions or inaction.

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

- a) that is of a general application;
- b) that affects a Member, 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 as authorized by Council.

6.10 Business Relations

6.10.1 Members shall not act as a paid agent before Council, its committees, or an agency, board or commission of the Township except in compliance with the terms of the Municipal Conflict of Interest Act as amended from time to time.

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

6.11 Expenses

6.11.1 Members shall comply with Township policies as they relate to reimbursement of expenses while on Township business.

6.12 Conduct Respecting Current and Prospective Employment

6.12.1 Members shall not allow the prospect of their future employment by a person or entity to detrimentally affect the performance of their official duties.

6.13 Conduct at Meetings of Council

6.13.1 Members shall conduct themselves with decorum at Council and Committee Meetings in accordance with the provisions of the Township Procedural By-law, or other policies or by-laws governing conduct at proceedings. Members are to demonstrate courtesy and respect for delegations, fellow Members and staff and shall not distract from the business of the Council during presentations and/or when other Members have the floor.

6.14 Representing the Township

6.14.1 Members shall make every effort to participate diligently in the activities of the agencies, boards and committees to which they are appointed.

6.14.2 All communications shall be handled in a courteous and respectful manner. An objective and impartial attitude shall be maintained in dealing with the public recognizing they have the right to present their views.

6.14.3 Members shall encourage public respect for the Township and its by-laws and policies.

6.15 Communication with the Media and Public

6.15.1 The Mayor and Members of Council are the public face of the Township and have the prime responsibility for dealing with the media regarding Council matters. The Chief Administrative Officer, represents the administrative function of the Township and has the prime responsibility for dealing with the media regarding administrative matters. Notwithstanding, Department Heads upon the direction of the Chief Administrative Officer may respond to media enquiries regarding administrative matters.

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

6.15.3 Members shall acknowledge that official information related to decisions and resolutions made by Council will normally be communicated to the

public and to the media by the Council as a whole or the Mayor as Head of Council or by those so designated.

- 6.15.4 Members shall convey information concerning adopted policies, procedures, and decisions of Council openly and accurately, whereas, confidential information will be communicated only when authorized by Council and in accordance with applicable legislation.
- 6.15.5 Members shall respond to enquiries about any matter dealt with during a Closed Meeting of Council, prior to it being reported publicly, shall be “this matter is still under investigation”, “no comment”, or words to that effect.
- 6.15.6 The release of any information about matters dealt with by Council at a Closed Meeting shall be by the Mayor or delegate.

6.16 Council and Staff Roles and Responsibilities

- 6.16.1 Members are elected legislators and representatives of all constituents. Staff are responsible for implementing the decisions of Council and ensuring the efficient and effective operation of municipal services. Mutual respect and cooperation are required to achieve the Township’s corporate goals and implement the Council’s strategic priorities.
- 6.16.2 Staff are to recognize that Members have been duly elected to serve the Township as a whole and respect the role of Council in directing the actions of the Township.
- 6.16.3 Members are to be respectful of the role of Staff to advise based on political neutrality and objectivity and without undue influence from any individual Member or faction of the Council. Accordingly, no Member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of Staff, and shall show respect for the professional capacities of the Staff of the Township.
- 6.16.4 Council directs staff through its decisions as recorded in the minutes, resolutions and by-laws. Staff, under the direction of the Chief Administrative Officer, are responsible for implementing the decisions of Council and ensuring the efficient and effective operation of municipal services.
- 6.16.5 Only Council as a whole and no single Member has the authority to direct any Staff member to carry out a particular function, approve budget, policy, and other such matters, unless specifically authorized by Council. Members are, however, encouraged to contact Staff when they have questions or are seeking clarification about a report, service or program. Any such requests of Staff must align with services and information that would normally be available to any Township resident.

- 6.16.6 Members shall not compel Staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any 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.
- 6.16.7 Any questions or issues surrounding operational concerns or complaints, excluding basic issues shall be directed to the Chief Administrative Officer, who will then direct the questions or issues to the appropriate Department Head or Staff.

6.17 Council Policies and Procedures

- 6.17.1 A number of the provisions of this Code of Conduct incorporate policies and procedures adopted by Council. Members are required to observe the terms of all policies and procedures established by Council.
- 6.17.2 Members are required to comply with the Township's Computer Use Policy.

6.18 Compliance and Contravention

- 6.18.1 Members of Council shall respect the integrity of the Code of Conduct.
- 6.18.2 Where an individual has reasonable grounds to believe that a Member has violated a provision of this code (or legislation) related to the following, they may pursue action through the appropriate channels as cited next to the contravention below:
- a) Criminal Matter – allegations of criminal nature consistent with the Criminal Code of Canada, should be pursued through the appropriate police force;
 - b) Municipal Conflict of Interest – allegations with respect to matters under the Municipal Conflict of Interest Act, are to be pursued by way of civil proceedings and individuals would discuss the course of action with their legal counsel;
 - c) Municipal Freedom of Information and Protection of Privacy – allegations related to privacy complaints are addressed under the Municipal Freedom of Information and Protection of Privacy Act; individuals can contact the Office of the Information and Privacy Commission to have the matter reviewed under the Act, or may contact the Clerk's Department for guidance;
 - d) Discrimination or Harassment – allegation of discrimination or harassment from a Member concerning a Staff member of the

Township are to be filed directly with the Mayor and the complaint, if deemed justified by the Mayor, shall be processed in accordance with the Township's Harassment or Violence policies. Individuals have the right to advance an application to the Ontario Human Rights Tribunal;

- 6.18.3 Failure to comply with subsection 6.15.5 (release of confidential information discussed during a Closed Meeting of Council) will result, upon subsequent review and direction by Council with a two-thirds (2/3's) successful vote, from future Closed Meetings of Council and that Member shall no longer be provided with correspondence, materials or information proposed to be dealt with by Members at a closed meeting.
- a) The determination of whether or not a violation of process to the closed meeting provisions of this policy and the length of exclusion from Closed Meetings, if so determined, shall be made by Council at a Closed Meeting and the issues shall be considered by Council prior to the affected Member being excluded from any closed meeting by two-thirds (2/3's) vote. The results of Council's deliberation shall be reported out publicly.
 - b) If the purported violation of the process to the closed meeting provisions of this policy by more than one Member is to be considered, a separate resolution of Council with respect to each affected Member is to be considered.
 - c) Notwithstanding b) the Member affected shall not be permitted to vote on a motion respecting the purported violation of the closed meeting provision of the Code of Conduct, exclusion from closed meetings, or the length of such exclusion.
- 6.18.4 For matters covered by other by-laws and policies or by way of legislation, individuals are to follow the process stipulated in the respective by-law, policy or legislation.
- 6.18.5 Council reserves the right to 'censure' an individual Member where the conduct is deemed to be unacceptable to Council.
- 6.18.6 Council's rights as provided for in the Township Procedural By-law shall also apply to conduct of Members.
- 6.18.7 Council has the right and obligation to report any transgressions of an illegal matter to the appropriate police authority.

7 POLICY REVIEW

- 7.1 This policy shall be reviewed a minimum of once per Council term to ensure its effectiveness.