

THE CORPORATION OF THE TOWNSHIP OF WOLLASTON

BY-LAW # 17-18

**A BY-LAW TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF
COUNCIL OF THE TOWNSHIP OF WOLLASTON.**

WHEREAS Section 11 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, authorizes municipalities to pass by-laws regarding Accountability and Transparency of the municipality and its operations and of its local boards and their operations; and

WHEREAS Section 223.2(1) of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes municipalities to establish codes of conduct for members of the council of the municipality and of local boards of the municipality; and

WHEREAS Council of the Corporation of the Township of Wollaston deems it expedient to establish a Code of Conduct for Council;

NOW THEREFORE Council of the Corporation of the Township of Wollaston hereby enacts as follows:

1. THAT the Council of the Township of Wollaston does hereby adopt the Code of Conduct, attached hereto as Schedule "A".
2. THAT Schedule "A" forms part of this by-law.
3. THAT this By-law shall come into force and take effect upon receiving the final passing thereof.

Passed this 8th day of May, 2018

Graham Blair , Reeve

Jennifer Cohen, Clerk

SCHEDULE "A" TO BY-LAW

Code of Conduct for Members of Council of the Township of Wollaston

A. PURPOSE OF THE CODE OF CONDUCT

The Code of Conduct sets minimum standards for the behaviour of Council Members in the performance and discharge of official functions and duties. It has been developed to assist Council 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 potential misuse of position and authority.

The Code of Conduct operates as a supplement to the existing statutes governing the conduct of members. Legislation governing the conduct of members of Council includes:

- *The Municipal Elections Act;*
- *The Municipal Conflict of Interest Act,*
- *The Municipal Freedom of Information and Protection of Privacy Act.*
- *The Municipal Act*
- *The Provincial Offences Act*
- *The Human Rights Code*
- *The Criminal Code of Canada*

The Code of Conduct operates as a supplement to in-effect Township By-Laws, Policies and Guidelines.

B. GENERAL INTEGRITY

1. Members of Council shall at all times seek to advance the common good of the Community which they serve.
2. Members of Council shall truly, faithfully and impartially exercise the office to the best of their knowledge and ability.
3. Members of Council shall be committed to performing their functions with integrity, accountability and transparency.
4. Members of Council shall be responsible for complying with all applicable legislation, by-laws, and policies pertaining to their position as an elected official.

5. Members of Council shall at all times serve and be seen to serve the interests of their constituents and the Township of Wollaston in a conscientious and diligent manner and shall approach decision-making with an open mind.

C. CONDUCT

1. Conduct at Meetings

- a. Members of Council shall conduct and convey Council business in an open and public manner (with the exception of Closed Meeting information that is subject to Section 239 of the Municipal Act);
- b. Members of Council shall be expected to review and adhere to the Procedural By-law enacted by Council.
- c. Members of Council shall turn their cell phones to vibrate. The use of phones shall be restricted to emergency calls only. Emergency calls shall be taken in another room.

2. Release of Confidential Information

Members of Council have a duty to hold in strict confidence all information concerning matters dealt with at *Closed Meetings* or that is determined by the Clerk to be confidential or as specifically declared by Council. A Member of Council shall not, either directly or indirectly, release, make public or in any way divulge any such information or any aspect of the *Closed Meeting* deliberations to anyone, unless expressly authorized by Council or required by law to do so.

- a. Members of Council shall not release information in contravention of the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M.56*.
- b. Members of Council shall not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law to do so.
- c. Members of Council shall not misuse confidential information (information that they have knowledge of by virtue of their position as Councillors that is not in the public domain, including e-mails and correspondence from other Members of Council or third parties) such that it may cause detriment to the Corporation, Council Members or others, or benefit or detriment to themselves.
- d. Members of Council shall be responsible for the protection of all *Closed Meeting* materials while in their possession. Materials

received electronically shall be deleted at the end of the meeting and paper copy materials shall be returned to the Clerk.

3. Foster Respect for Decision-making Process

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

4. Release of Information to Public and Media

Members of Council acknowledge that official information related to decisions and resolutions made by Council will normally be communicated to the community and the media by the Reeve as Head of Council, by the Council as a whole or by those so designated.

5. Acceptance of Gifts

Council members shall not accept a gift, personal benefit, or hospitality that is connected with their performance of the duties of office that may appear to a reasonable member of the public to be in gratitude for influence, or to induce influence. This does not include gifts or personal benefits received as a matter of the protocol or social obligations that normally accompany the responsibility of office.

6. Improper Use of Influence

Members of Council shall not:

- a. use any influence of office for any purpose other than official duties;
- b. 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;
- c. 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;
- d. place themselves in a position of obligation to any person or organization which might benefit from special consideration or may seek preferential treatment;
- e. give preferential treatment to any person or organization in which a Member or Members of Council 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 of Council have a financial interest.

7. Relationship with Staff

Mutual respect and cooperation are required to achieve the Council's corporate goals and implement Council's strategies through the work of staff. The role of Council is to lead through setting policy and budget. The role of Council is not to manage or administer.

Members of Council shall:

- a. acknowledge that only Council as a whole has the capacity to direct staff members to carry out specific tasks or functions. Council directs staff through its decision as recorded in the resolutions and minutes of Council;
- b. refrain from using their position to improperly influence members of staff to carry out specific tasks or functions or to gain an advantage for themselves or others;
- c. refrain from publicly criticizing individual members of staff in a way that casts doubt on their professional competence and credibility;
- d. respect that staff provide advice and make policy recommendations in accordance with their professional ethics, expertise, and obligations. Councillors must not willfully injure the reputation, question the capabilities or performance of staff in a manner that is inappropriate.

8. Respectful Conduct

- a. Members of Council shall treat every person, including other members of Council, staff and the public with respect and dignity.
- b. Members of Council shall understand and respect the right to equality and the right to an environment that is safe and free from harassment and discrimination

9. Use of Property

- a. Members of Council shall avoid waste, abuse and extravagance in the provision or use of public resources.
- b. Members of Council shall expose fraud and corruption of which the member is aware.
- c. Members of Council shall not use municipal resources such as property, equipment, services, staff, or supplies for personal gain or for

other activities or purposes not connected with the municipality.

D. COMPLIANCE WITH THE CODE OF CONDUCT

1. Members of Council are expected to adhere to the provisions of the Code of Conduct. The Municipal Act authorizes Council, where it has received a report by its Integrity Commissioner that, in his or her opinion, there has been a violation of the Code of Conduct, to impose one of the following sanctions:
 - a. reprimand;
 - b. suspension of the remuneration paid to the Member as a Member of Council for a period up to 90 days

E. INFORMAL COMPLAINT PROCEDURE

1. Any individual who identifies or witnesses behavior or activity by a member of Council that appears to be in contravention of the Code of Conduct may address the prohibited behavior or activity themselves in the following manner:
 - a. advise the member that the behavior or activity appears to contravene the Code of Conduct ;
 - b. encourage the member to acknowledge and agree to stop the prohibited behavior or activity;
 - c. document the incident(s) including date, time, location, other persons present, and any other relevant information;
 - d. consider the need to pursue the matter in accordance with the formal complaint procedure as outlined.

While an individual may pursue this informal complaint procedure as a means of stopping and remedying a behavior or activity that is prohibited by this Code of Conduct, an individual is not required to undertake the informal complaint procedure prior to pursuing the formal complaint procedure.

F. FORMAL COMPLAINT PROCEDURE—Integrity Commissioner

1. Any individual who identifies or witnesses behavior or activity by a member of Council that appears to be in contravention of the Code of Conduct may file a formal complaint with the following conditions:
 - a. all complaints shall be in writing and shall be dated and signed by complainant;

- b. the complaint must set out reasonable and probable grounds for the allegation that a member has contravened the Code of Conduct. All supporting evidence in support of the allegation must be included.

2. Filing a Complaint and Initial Classification

- a. the complaint shall be filed with the Clerk who shall forward the matter to the Integrity Commissioner for initial classification to determine if the matter is in respect to non-compliance with the Code of Conduct or the complaint is covered by other legislation or procedure under another Municipal policy.
- b. if the complaint does not include supporting evidence, the Integrity Commissioner may defer the classification until evidence is received.

3. Response of the Integrity Commissioner to complaint outside municipal jurisdiction

If the complaint received is deemed not to be a complaint with respect to non-compliance with the Code of Conduct, the Integrity Commissioner shall advise the complainant in writing as follows:

- a. *Criminal Matter*—if the complaint is an allegation of a criminal nature consistent with the Criminal Code of Canada, the complaint shall be advised that pursuit of such an allegation must be made through the appropriate police service.
- b. *Municipal Conflict of Interest*—if the complaint is an allegation with respect to matters under the Municipal Conflict of Interest Act, the complainant shall be advised to review the matter with their own legal counsel.
- c. If the complaint is found to be non-compliance with a more specific policy with an established complaint procedure, the complainant shall be advised that the matter will be processed under that procedure.
- d. In all other cases, the complainant shall be advised that the matter or part the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

4. Refusal to Conduct an Investigation

If the Integrity Commissioner is of the opinion that the referral of a matter to him/her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation and, where this becomes apparent in the course of an investigation, shall terminate the investigation.

5. Opportunities for Resolution

Following receipt and review of a formal complaint, or at any time during the investigation, where the Integrity Commissioner believes that an opportunity to resolve that matter may be successfully pursued without a formal investigation, and both the complainant and the member agree, efforts may be pursued achieve an informal resolution.

6. Integrity Commissioner's Investigation

If the complaint has been classified as being within the Integrity Commissioner's jurisdiction, the Commissioner will proceed as follows:

- a. The complaint and supporting material shall be provided to the Council Member whose conduct is in question with a request for a written response.
- b. A copy of the written response from the Member shall be provided to the complainant.
- c. If necessary, after reviewing the written responses, the Integrity Commissioner may speak to anyone relevant to the complaint, examine documents or electronic material and may enter any municipal worksite relevant to the complaint for the purpose of investigation and potential.
- d. The Integrity Commissioner may make interim reports to Council as required to address any instance of interference, obstruction, or retaliation encountered during the investigation.

G. INTEGRITY COMMISSIONER'S REPORT

1. The Integrity Commissioner shall report to the complainant and the Member upon completion of the investigation.
2. Where the complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining the findings, and any recommended corrective action.
3. Where the complaint is not sustained, the Integrity Commissioner shall not report to council the results of the investigation, except as part of the general annual report.

H. PUBLIC DISCLOSURE

1. The Integrity Commissioner and every person acting under their instructions shall preserve secrecy with respect to all matters that come to his or her

knowledge in the course of their duties. Information may be disclosed in a criminal proceeding as required by law

2. If the Integrity Commissioner provides periodic report to the municipality on their activities, the Integrity Commissioner may summarize advice they have given but shall not disclose confidential information that could identify a person concerned.
3. If the Integrity Commissioner reports to the municipality their opinion about whether a member of council has contravened the Code of Conduct, they may disclose in the report such matters as are deemed necessary.
4. The Municipality shall ensure that reports received from the Integrity Commissioner are made available to the public.

I. IMPLEMENTATION

1. A Code of Conduct component will be included as part of the orientation workshop for each new Council.
2. Council Members are expected to review their adherence to the provisions of the Code on a regular basis.
3. Council members shall respect the Code of Conduct and investigations conducted under it. Any reprisal or threat of reprisal against a complainant or anyone providing information to the Integrity Commissioner is prohibited. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner in the carrying out of his/her responsibilities including, but not limited to, the destruction of documents, the erasing of electronic communications, etc.