

THE CORPORATION OF THE TOWNSHIP OF WOLLASTON

BY-LAW # 40-12

**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.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL
ON THE 28 DAY OF AUGUST, 2012.**

Dan McCaw, 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 standard 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 conflict of interest or a potential misuse of position and authority.

The Code of Conduct operates along with and as a supplement to the existing statues governing the conduct of members. Provincial legislation governing the conduct of members of Council includes:

- *Municipal Elections Act*;
- *Municipal Conflict of Interest Act*,
- *Municipal Freedom of Information and Protection of Privacy Act*.

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

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

B. STANDARDS OF CONDUCT

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 refrain from behaviour that could constitute an act of disorder or misbehaviour.
 - Is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others.
 - Prejudices the provision of a service or services to the community.

C. CONDUCT TO BE OBSERVED

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.

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 to be confidential by the, Clerk 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 Councilor 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 or others, or benefit or detriment to themselves or others.
- d. Members of Council shall be responsible for the protection of all *Closed Meeting* materials while in their possession.
- e. Confidential and *Closed Meeting* materials received electronically shall be deleted and paper copy materials shall be returned to the Clerk upon request.

3. Foster Respect for Decision-making Process

All Members of Council shall accurately and adequately communicate the attitudes and 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 Council as a whole or the Reeve as Head of Council or by those so designated.

5. Acceptance of Gifts

Council members shall comply with the Municipal Conflict of Interest Act and must not accept a gift or personal benefit that is connected with their performance of the duties of office. 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. Engaging in Incompatible Activity

Members of Council shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties in the public interest.

Without limiting the generality of the foregoing, Members of Council shall not:

- a. use any influence of office for any purpose other than official duties;
- b. act as an agent before Council or any committee or board;
- c. 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;

- d. 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;
- e. place themselves in a position of obligation to any person or organization which might benefit from special consideration or may seek preferential treatment;
- f. give preferential treatment to any person or organization in which a Member or Members of Council have a financial interest;
- g. 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; and
- h. use Corporate materials, equipment, facilities or employees for personal gain or for any private purpose.

7. Conflict of Interest

It is the responsibility of individual Councilors to ensure that they are aware and trained in the application of the Municipal Conflict of Interest Act. The onus is on the Councilor to identify a conflict of interest, and shall take the appropriate action to identify the existence of a conflict in favour of his/her public duty.

- a. A conflict exists when an individual is, or could be, influenced, or appear to be influenced by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgement, close mindedness or undue influence.
- b. Council members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their public or professional duties in accordance with statutory requirements. When considering whether or not a conflict exists, it is important to consider whether there are any grounds for a reasonable person to think that a conflict exists.

Recognizing that it is impossible to anticipate all possible conflicts that may arise during a Member's term of office and, those conflicts may not be only pecuniary in nature, it is generally advisable to be as open as possible. It is not enough that a conflict not exist, it must also be seen by taxpayers not to exist.

The following principles should be used as a guide:

- a. In making decisions, always place the interests of the taxpayers first and, in particular, place them before the interests of colleagues on Council, staff, friends, or family.
- b. Always interpret the phrase "Conflict of Interest" in the broadest possible terms.
- c. A factor which could be considered a conflict by taxpayers should be treated as a conflict and be disclosed by the member of Council.
- d. If in doubt, it is better to disclose a situation.
- e. It is the responsibility of individual Councilors to obtain independent legal advice with respect to any situation that might arise whereby there is a potential for a conflict of interest.
- f. Members of Councils shall not require or attempt to burden staff members to assist in the determination of a conflict of interest for individual Councilors.

8. Relationship with Staff

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;
- b. refrain from using their position to improperly influence members of staff members 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. read and respect the in-effect guidelines and policies enacted by Council for hiring of employees and act with reasonable care and diligence.

9. Avoidance of Waste

Members of Council shall avoid waste, abuse and extravagance in the provision or use of public resources, and shall expose fraud and corruption of which the Member of Council is aware.

D. INTERPERSONAL BEHAVIOUR OF MEMBERS OF COUNCIL

1. Treat Every Person with Dignity, Understanding and Respect

Members of Council shall abide by the provisions of the *Human Rights Code* and, in doing so, shall treat every person, including other Members of Council, corporate employees, individuals providing services on a contract for service, students on placements, and the public, 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.

2. Not to Discriminate

In accordance with the *Human Rights Code*, Members of Council shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, religious affiliation or faith, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability. "Age", "disability", "family status", "record of offences", "same sex partnership status" shall be as defined in the *Human Rights Code*.

3. Protection of Privacy

Councillors shall comply with the Municipal Freedom of Information and Protection of Privacy at all times. Public comments, discussions and disclosures to the media regarding employees or individuals that breach a persons privacy is deemed to be a contravention of this Code of Conduct.

E. PROFESSIONAL DEVELOPMENT

Members of Council shall promote and participate in opportunities for professional development. Council Members are required to stay updated on issues and trends so that they can be as efficient and effective as possible in the carrying out of their duties and responsibilities.

F. 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 formally and informally review their adherence to the provisions of the Code on a regular basis.