

**THE TOWNSHIP OF
EAST HAWKESBURY**

COUNCIL CODE OF CONDUCT

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PART 1: SHORT TITLE

- 1.1 This By-law shall be known as the Council Code of Conduct for the Township of East Hawkesbury.

PART 2: STATEMENT OF INTENT

- 2.1 To guide those who are covered by this Code in their day-to-day responsibilities on behalf of the citizens of the Township of East Hawkesbury. These standards are designed to supplement the legislative parameters within which the members must operate.

PART 3: APPLICATION

- 3.1 All Members of Council and members of the public appointed to a committee and advisory board are expected to follow this Code, the Council Procedural By-law and other sources applicable procedural law. They are also subject to other sources of law such as the *Municipal Act, 2001*, the *Conflict of Interest Act*, the *Municipal Elections Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, the *Occupational Health and Safety Amendment Act* (violence and harassment in the workplace) 2009; the *Human Rights Code* and the *Criminal Code of Canada*.

PART 4: GENERAL INTEGRITY

- 4.1 All Members to whom this Code of Conduct applies shall serve their constituents in a conscientious and diligent manner. Members shall not use the influence of office for any purpose other than the exercise of his or her official duties.

PART 5: GIFTS, BENEFITS AND HOSPITALITY

- 5.1 No member shall accept a fee, advance, gift, personal benefit or hospitality that is connected directly or indirectly with the performance of his or her duties of office, unless permitted by the exceptions listed below.
- 5.2 For these purposes, a fee or advance, gift, benefit or hospitality provided with the member's knowledge to a member's spouse, child, parent, brother, sister, father-in-law, mother-in-law, sister-in-law and brother-in-law 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.
- 5.3 The following are recognized as exceptions:
a) Compensation or benefit authorized by Council;

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- b) Such gifts or benefits that normally accompany the responsibilities of office and area received as an incident or protocol or social obligation;
 - c) A political contribution otherwise reported by law;
 - d) Services provided without compensation by persons volunteering their time;
 - e) A suitable memento of a function honoring the member;
 - f) Food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country;
 - 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 representation of the organization is in attendance; and
 - The value is reasonable and the invitations infrequent.
- 5.4 Council is the custodian of the assets of the municipality. The community places its trust in Council and those it appoints to make decisions for the public good in relation to these assets.
- 5.5 Members of Council and members of the public appointed to committees must not use municipal assets for personal convenience, for profit or to assist during an election or in relation to a nomination, except where such privileges are granted to the public or provided by law.
- 5.6 Members of Council and members of the public appointed to committees must not accept gifts and benefits except as provided under law and in the course of their duties. They may accept gifts of token value only, but should be aware that even these may place them in a position where their actions are open to serious question.
- 5.7 If a member of Council or member of the public appointed to a committee receives a gift or benefit and the value of the gift or benefit exceeds \$100, or if the total value received from one source during the course of a calendar year exceeds \$100, the member of Council shall within 30 days of receipt of the gift or benefit or of reaching the annual limit, file a disclosure statement with the CAO.

The disclosure statement must indicate:

- a) the nature of the gift or benefit;
- b) its source and date of receipt;
- c) the circumstances under which it was given or received.

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Any disclosure statement made under this subsection will be a matter of public record.

PART 6: EXPENSES

- 6.1 Members of Council are required to adhere to the *Council Expense Policy* and related procedures and guidelines and ensure that conditions related to each expense are met.
- 6.2 Falsifying of receipts or signatures by a Member of Council or their staff is a serious breach of this Code of Conduct and the *Criminal Code of Canada* and could lead to prosecution.

PART 7: CONFIDENTIAL INFORMATION

- 7.1 Members of Council have a duty to hold information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. They must not, either directly or indirectly, release, make public or in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or required by law.
- 7.2 Members of Council must not disclose, use or release information in contravention of applicable privacy law. They are only entitled to information in the possession of the municipality that is relevant to matters before the Council or a committee. Otherwise, they enjoy the same level of access rights to information as any other member of the community and must follow the same processes as any private citizen.
- 7.3 Members of Council must not release information subject to solicitor-client privilege, unless expressly authorized by council or required by law.
- 7.4 Members shall:
 - (a) keep confidential any information that is circulated to Members marked confidential,
 - (b) return any information marked confidential to the Chief Administrative Officer's office for destruction.
- 7.5 The obligation to keep information confidential applies even if the Member ceased to be a Council member.
- 7.6 (a) Confidential information includes information in the possession of, or received in confidence by the Township and that the Township is either prohibited from

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disclosing, or are 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.

(b) No Member shall disclose or release by any means to anyone, 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.

(c) No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.

PART 8: CONDUCT AT MEETINGS OF COUNCIL AND COMMITTEES

- 8.1 Members of Council shall conduct themselves with decorum at all Council and Committee meetings in accordance with the provisions of the *Procedural By-law*, as amended from time to time and this Code of Conduct.

PART 9: CONDUCT RESPECTING STAFF

- 9.1 The *Municipal Act, 2001* sets out the roles of Members of Council and the municipal administration, including specific roles for statutory officers such as the Chief Administrative Officer, Clerk, Treasurer, and the Integrity Commissioner.
- 9.2 Mutual respect and cooperation are required to achieve the Council's corporate goals and implement the Council's strategic priorities through the work of staff.
- 9.3 Council as a whole has the authority to approve budget, policy, governance and other such matters. Under the direction of the CAO, township staff serves Council as a whole and the combined interests of all members as evidenced through the decisions of Council. Members have no individual capacity to direct members of staff to carry out particular functions.
- 9.4 Members of Council are expected to:
- a) represent the public and to consider the well-being and interests of the municipality;
 - b) develop and evaluate the policies and programs of the municipality;
 - c) determine which services the municipality provides;
 - d) ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;

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- e) ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- f) maintain the financial integrity of the municipality; and
- g) carry out the duties of council under the *Municipal Act, 2001* or any other Act.

9.5 Municipal staff is expected to:

- a) implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
- b) undertake research and provide advice to council on the policies and programs of the municipality; and
- c) carry out other duties required under the *Municipal Act, 2001* or any Act and other duties assigned by the municipality.

9.6 Members of Council 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 of Council.

9.7 Members of Council should not:

- a) Maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff;
- b) Compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities; or
- c) 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 in staff's duties.

PART 10: HARASSMENT

10.1 Harassment of another Member, staff or any member of the public is misconduct. It is the policy of the Township of East Hawkesbury that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

10.2 Harassment may be defined as behaviour by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, color, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status and any other grounds under the provisions of the Ontario Human Rights Code.

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- 10.3 In accordance with the Human Rights Code, as amended, harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcomed.
- 10.4 Without limiting the generality of the foregoing, Members shall not:
- a) Make inappropriate comments or gestures to or about an individual where such conduct is known or ought reasonably to be known to be offensive to the person(s) to whom they are directed or are about;
 - b) Display materials or transmit communications that are inappropriate, offensive, insulting or derogatory via any communication means, including but not limited to social media, print material, websites or verbally;
 - c) Make threats or engage in any abusive activity or course of conduct towards others;
 - d) Vandalize the personal property of others;
 - e) Commit assault of any kind, including making unwanted physical contact, including touching, patting, or pinching; or
 - f) Refuse to converse or interact with anyone based on any ground listed in the *Human Rights Code*, as amended.
- 10.5 Harassment, which occurs in the course of, or is related to, the performance of official duties by Members is subject to this Code and shall be investigated by the Integrity Commissioner.

PART 11: COMMUNICATIONS AND MEDIA RELATIONS

- 11.1 Members of Council will attempt to accurately and adequately communicate the attitudes and decisions of Council, even if they disagree with a majority decision of Council, so that:
- a) There is respect for the decision making process of Council.
 - b) Official information related to decisions and resolutions made by Council will normally be communicated in the first instance to the community and the media in an official capacity by the CAO or designate.
 - c) The Mayor shall be the official spokesperson for the Township. If the Mayor is not available, then the CAO shall assume that role.
 - d) Information concerning adopted policies, procedures and decisions of Council is conveyed openly and accurately.
 - e) Confidential information will be communicated only when and after determined by Council.
 - f) Members conduct their dealings with each other in ways that maintain public confidence in the Office to which they have been elected, members remain open and honest, and members are focused on the issue rather than personalities and avoid aggressive, offensive or abusive conduct.

PART 12 : MUNICIPAL CONFLICT OF INTEREST ACT

- 12.1 Members shall conduct themselves in accordance with the *Municipal Conflict of Interest Act* as amended from time to time.
- 12.2 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) If in doubt as to whether the Member has a pecuniary interest in a matter, which is defined in the *Municipal Conflict of Interest Act*, the said Member should immediately request advice from the Integrity Commissioner.
 - c) It is also the responsibility of individual Members of Council to obtain independent legal advice with respect to any situation that might arise whereby there is a potential for a conflict of interest.
 - d) It is considered a breach of this policy to require or to attempt to burden staff members to assist in the determination of a conflict of interest for individual Members of Council.

PART 13: IMPROPER USE OF INFLUENCE

- 13.1 As an elected official, Members of Council are expected to perform their duties of office with integrity, accountability and transparency. Members of Council should not use the status of their position to influence the decision of another individual to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise.
- 13.2 In the same manner, and as outlined in the Conflict of Interest Guidelines for the *Provincial Offences Act* Policy, Members of Council shall not attempt to influence or interfere, either directly or indirectly, financially, politically or otherwise with employees, officers or other persons performing duties under the *Provincial Offences Act*.
- 13.3 When the member has a pecuniary interest, the member should immediately declare it at the first available opportunity and follow the provisions of the *Municipal Conflict of Interest Act*, including but not limited to section 5 thereof.

PART 14: ELECTION-RELATED ACTIVITY

- 14.1 Members are required to conduct themselves in accordance with the *Municipal Elections Act, 1996*. The use of municipal resources, both actual municipal

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property and staff time, for election-related activity is strictly prohibited. The prohibition applies to both the promotion and opposition to the candidacy of a person for elected office. Election-related activity applies not only to a member's personal campaign for office, but also other campaigns for municipal, provincial and federal office.

PART 15: USE OF MUNICIPAL PROPERTY AND RESOURCES

- 15.1 In order to fulfill their roles as elected representatives, Members of Council have access to municipal resources such as property, equipment, services, staff and supplies. No member of Council shall use, or permit the use of Township land, facilities, equipment, supplies, services, staff or other resources (for example, Township-owned materials, or websites for activities other than purposes connected with the discharge of Council duties or Township's business.
- 15.2 No Member shall obtain financial gain from the use or sale of Township-developed intellectual property, computer programs, technological innovations, or other patent, trademark, copyright held by the Township.

PART 16: COMPLIANCE WITH THE CODE OF CONDUCT

- 16.1 Members of Council are expected to adhere to the provisions of the Code of Conduct. The *Municipal Act, 2001* 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) a reprimand;
 - b) a suspension of the remuneration paid to the member in respect of his or her services as a member of Council or a local board, as the case may be, for a period of up to 90 days; and
 - c) sanctions provided for in paragraphs 16.2 and 16.3 of this code of conduct.
- 16.2 The Integrity Commissioner may also recommend that Council impose one of the following sanctions:
- a) written or verbal public apology,
 - b) return of property or reimbursement of its value or of monies spent,
 - c) removal from membership of a committee; and
 - d) removal as chair of a committee.

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- 16.3 The Integrity Commissioner has the final authority to recommend any of the sanctions above or other remedial action at his or her discretion.
- 16.4 The Council shall appoint an Integrity Commissioner to investigate alleged breaches of this Code.