

CORPORATION OF THE TOWN OF GANANOQUE

BYLAW NO. 2016-096

**BEING A BY-LAW TO ESTABLISH A
COUNCIL CODE OF CONDUCT POLICY.**

WHEREAS by Section 5 of the Municipal Act, 2001, S.O. 2001, c. 25, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS Subsection 2 of Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, the powers of every Council are to be exercised by Bylaw; and

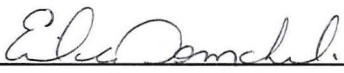
AND WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, section 270, makes provision in part, that a Municipality adopt and maintain policies for circumstances in which the Municipality shall establish a Council Code of Conduct Policy;

AND WHEREAS the Municipal Act, S.O. 2011, c. 25, section 8 (1) provides in part that the powers of a municipality under the Municipal Act shall be interpreted to enable the municipality to govern its affairs as it considers appropriate.

NOW THEREFORE the Council of the Corporation of the Town of Gananoque hereby enact as follows;

1. That the Council Code of Conduct Policy 2016-05 attached hereto as Schedule 'A' and forming part of this by-law is hereby adopted.
2. That any by-law inconsistent with this By-law is here by repealed.
3. That this by-law come into force and effect on the date of passing.

READ A FIRST TIME this 1st day of November, 2016

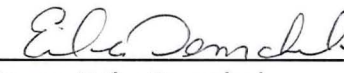


Mayor, Erika Demchuk



Clerk, Kelly Shipclark

READ A SECOND TIME this 15th day of November, 2016




Mayor, Erika Demchuk



Clerk, Kelly Shipclark


READ A THIRD TIME passed, signed, and sealed with the corporate seal this 6th day of December, 2016.



Mayor, Erika Demchuk



Clerk, Kelly Shipclark

		THE CORPORATION OF THE TOWN OF GANANOQUE POLICY	
POLICY NO.	2016-05	APPROVAL DATE:	December 6, 2016
AUTHORITY	Council	EFFECTIVE DATE:	January 1, 2017
SUBJECT	COUNCIL CODE OF CONDUCT POLICY		

STATUTORY PROVISIONS REGULATING CONDUCT

This Code of Conduct is a complement to the existing legislation governing the conduct of Members of Council, Boards and Advisory Panels. The following federal, provincial legislation governs the conduct of Members of Council:

- *Municipal Act, 2001*
- *Municipal Conflict of Interest Act*
- *Municipal Elections Act, 1996*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Provincial Offences Act*
- *Ontario Human Rights Code*
- *Criminal Code of Canada*
- By-laws and policies of Council as adopted and amended from time to time

PURPOSE

The purpose and intent of the Council Code of Conduct is to establish standards of conduct for Members of Council, Local Boards and Advisory Panel Members in the individual conduct of their official duties. These standards will help protect and maintain the Town of Gananoque’s reputation and integrity.

Maintaining a high quality of public administration and governance can be achieved in part by encouraging high standards of conduct on the part of Town officials. The public is entitled to expect the highest standards of conduct from members that are elected or appointed to serve their local government.

DEFINITIONS

“**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;

“Town property” means items, services or resources which are the property of the Town including but not limited to: materials, equipment, vehicles, facilities, technology, databases, intellectual property, logos, coat of arms, and supplies.

“in-law” means a relative by marriage.

“member” means a member of Council, Local Board or Advisory Panel.

“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 Town, Local Board or Advisory Panels jurisdiction, and which are done for the purpose of providing good government with respect to those matters.

“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;

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

GENERAL INTEGRITY

- Members are committed to performing their functions with integrity, accountability and transparency.
- Members are responsible for complying with all applicable legislation, by-laws and policies pertaining to their position as an elected official.
- Members recognize that the public has a right to open government and transparent decision-making.
- Members shall at all times serve and be seen to serve the interests of their constituents and the Town in a conscientious and diligent manner and shall approach decision-making with an open mind.
- Members shall make every effort to participate diligently in the activities of the agencies, boards, and committees to which they are appointed.
- Members shall avoid the improper use of the influence of their office and shall avoid conflicts of interest, both apparent and real.
- Members shall not extend in the discharge of their official duties preferential treatment to any individual or organization if a reasonably well-informed person would conclude that the preferential treatment was solely for the purpose of advancing a private or personal interest.
- For greater clarity, this Code does not prohibit members of Council from properly using their influence on behalf of constituents.

CONFIDENTIAL INFORMATION

By way of their office, Members acquire confidential information from a variety of different sources including confidential personal information related to constituents who have

contacted their office. Confidential information includes information in the possession of, or received in confidence by the Town, that the Town is either prohibited from disclosing, or is required to refuse to disclose under the *Municipal Freedom of Information and Protection of Privacy Act* (“MFIPPA”). Members shall not use information that is obtained in his or her capacity as a member and that is not available to the general public to further or seek to further the member’s private interest or improperly to further or seek to further another person’s private interest.

In accordance with the rules under MFIPPA and the *Procedural By-law*, Members shall not:

- a. Where a matter has been discussed in camera, and where the matter remains confidential, disclose the content of the matter or the substance of the deliberations of the in camera meeting; and
- b. 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.

CONDUCT AT COUNCIL/COMMITTEE MEETINGS

Members shall conduct themselves with decorum at all Town Council and Committee meetings in accordance with the provisions of the *Procedural By-law*.

DISCRIMINATION AND HARASSMENT

All members have a duty to treat members of the public, one another and staff with respect 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 and, where applicable, the Town’s *Workplace Violence & Workplace Harassment Policy*.

IMPROPER USE OF INFLUENCE

As an elected official, Members are expected to perform their duties of office with integrity, accountability and transparency. Members 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.

USE OF MUNICIPAL PROPERTY AND RESOURCES

In order to fulfill their roles as elected representatives, Members have access to municipal resources such as property, equipment, services, staff and supplies. No member shall use, or permit the use of Town land, facilities, equipment, supplies, services, staff or other resources (for example, Town-owned materials or websites) for activities other than purposes connected with the discharge of Council duties or Town business.

No Member shall obtain financial gain from the use or sale of Town-developed intellectual

property, computer programs, technological innovations, or other patent, trademark, copyright held by the Town.

CONDUCT RESPECTING STAFF

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, Auditor General and the Integrity Commissioner.

Members 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;
- 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

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.

Town Council as a whole has the authority to approve budget, policy, governance and other such matters. Under the direction of the Chief Administrative Officer, Town staff serves Council as a whole and the combined interests of all members as evidenced through the decisions of Council.

Members 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.

Members should not:

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

GIFTS, BENEFITS AND HOSPITALITY

At times, the acceptance of a gift, benefit or hospitality occurs as part of the social protocol or community events linked to the duties of an elected official and their role in representing the municipality.

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, gift or benefit 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.

The following are recognized as exceptions:

- a) Compensation or benefit authorized by Council;
- 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;
- e) A suitable memento of a function honouring 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:
 - i) Attendance serves a legitimate business purpose;
 - ii) The Person extending the invitation or a representation of the organization is in attendance; and
 - iii) The value is reasonable and the invitations infrequent.
- h) Communication to the offices of a member, including unpaid subscriptions to newspapers and periodicals.

Except in the case of category a) or f), a member may not accept a gift or benefit worth in excess of \$200 or gifts and benefits from one source during a calendar year worth in excess of \$200.

ELECTION-RELATED ACTIVITY

Members of Council are required to conduct themselves in accordance with the *Municipal Elections Act, 1996* and the Town's Elections Policy. The use of municipal resources, both actual municipal 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.

COMPLIANCE WITH THE CODE OF CONDUCT

Contravention of this policy could result in:

- A reprimand; and
- 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.

Council impose one of the following sanctions:

- Written or verbal public apology;
- Return of property or reimbursement of its value or of monies spent;
- Removal from membership of a committee; and
- Removal as chair of a committee.

INTERPRETATION

Members seeking clarification of any part of this Code of Conduct should consult with the Clerk.

IMPLEMENTATION

A Code of Conduct component will be included as part of the orientation workshop for each new Council, Local Board and Advisory Panel.

Members are expected to review and confirm their adherence to the provisions of the Code on a regular basis or when so requested by Council.