

COUNCIL CODE OF CONDUCT POLICY

Authority	Council		
Amending By-law No.	2023-078	Establishing By-law No.	2016-096

1. 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, and;
- By-laws and policies of Council as adopted and amended from time to time.

2. 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.

3. 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. For the purposes of this Policy, the term children include children of the body, children by adoption, and dependant adults.

“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.

“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.

4. 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.

5. 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 Closed Session, and where the matter remains confidential, disclose the content of the matter or the substance of the deliberations of the in Closed Session 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.

6. 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*.

7. COUNCIL ATTENDANCE AT COUNCIL/COMMITTEE MEETINGS

In order to effectively manage Council member(s) participation in activities of the agencies, boards and committees to which they are appointed, Council members' attendance shall be recorded in the minutes. The record shall show those members present, absent, and/or absent on Council business.

- a) Members may be absent for up to four (4) regularly scheduled Committee of the Whole (COW) / Council meetings per calendar year without deduction, but for the fifth (5th) meeting and for each meeting thereafter, there shall be a deduction from the annual allowance in the amount of one-hundred and fifty dollars (\$150) for each meeting missed by a member.
- b) In addition, members may be absent for up to three (3) regularly scheduled Advisory Panels / Other Boards and Bodies meetings per calendar year (per each AP/OBB) without deduction, but for the fourth meeting and for each meeting thereafter, there shall be deducted from the annual allowance, the sum of seventy-five (\$75) for each meeting missed by a member.
- c) It is understood that attendance shall be recorded for Special Meetings called in accordance with the provision of the Procedure By-law of the Town of Gananoque, but such attendance will not result in a reduction of a Council Member's allowance.
- d) By written approval of the Mayor (or designate), a Council member may be recorded as "Absent on Council Business". When a member is recorded in such a manner, no deduction from Council compensation will occur. Where the Council member is the Mayor, the Deputy Mayor shall provide such written approval.
- e) Pursuant to the above, if a Council member is away due to special circumstances, accommodations may be granted in the same form as prescribed in "d" above."

8. 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*.

9. IMPROPER USE OF INFLUENCE

As an elected official, members are expected to perform their duties of office with integrity, accountability and transparency. Members shall not use the status of their position to influence the decision of another individual or Council to the private advantage or disadvantage of oneself, or one's parents, spouse, children, siblings, staff members, friends, or associates, business or otherwise.

10. 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.

11. 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.

12. 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.

13. COMPLIANCE WITH THE CODE OF CONDUCT

Contravention of this Policy could result in:

- A reprimand and any other penalty as recommended by the Integrity Commissioner and confirmed by Council 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 and any other penalty as recommended by the Integrity Commissioner and confirmed by Council;
- Removal from membership of a committee; and
- Removal as chair of a committee.

14. INTERPRETATION

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

15. 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.