

THE CORPORATION OF THE TOWNSHIP OF NORTH FRONTENAC

BY-LAW #62-17

BEING A BY-LAW TO REPEAL BY-LAW #33-16 AND TO ESTABLISH A CODE OF CONDUCT OF MEMBERS OF COUNCIL AND COMMITTEES

WHEREAS Section 8 of the *Municipal Act, S.O. 2001*, provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS Section 9 of the *Municipal Act, S.O. 2001*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 223.2(1) of the *Municipal Act S.O. 2001* authorizes a municipality to establish codes of conduct for members of the Council of the municipality and of local boards of the municipality;

NOW THEREFORE Council repeals By-law #33-16 and enacts the attached Schedule "A" as the Code of Conduct Policy for the Council and Committee Members of the Corporation of the Township of North Frontenac;

AND THAT Schedule "A" attached hereto shall be read with and form part of this By-law;

AND THAT this "Code of Conduct Policy" applies to and binds all Members of Council/Committees of the Township of North Frontenac and shall be acknowledged by signature by all Members;

AND THAT any additions to the Code of Conduct Policy shall be authorized by By-law and be acknowledged by Members by signature;


AND THAT should any sections of this By-law, including any section or part of any Schedules attached hereto be declared by a court of competent jurisdiction to be ultra vires, the remaining Sections shall nevertheless remain valid and binding;

AND THAT this By-law shall come into force and take effect on the date of final passing;

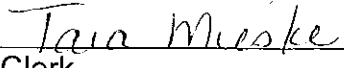
AND THAT all Resolutions, By-laws or parts of By-laws, which are contrary to or inconsistent with this by-law, are hereby repealed.

READ a first and second time this 30th day of June, 2017.

READ a third time and passed this 30th day of June, 2017.



Mayor



Clerk

SCHEDULE "A" TO BY-LAW #62-17
COUNCIL AND COMMITTEE CODE OF CONDUCT POLICY

INDEX	PAGE
<u>SECTION 1.0</u> – Introduction.....	4
<u>SECTION 2.0</u> – Definitions	4
<u>SECTION 3.0</u> – Members Code of Conduct.....	6
3.1 What Members Can Expect from the CAO, Managers and Employees.....	6
3.2 Council/Committee and Employee Interface.....	7
3.3 Rules of Etiquette.....	7
3.4 Gifts, Hospitality and Other Benefits.....	8
3.5 Confidentiality.....	9
3.6 When are Councillors Subject to MFIPPA	9
3.7 Compliance and Interpretation	9
<u>SECTION 4.0</u> - Policy Review.....	11
<u>SECTION 5.0</u> – Acknowledgment.....	11

SECTION 1.0 – INTRODUCTION

This Policy will provide the rules of conduct for Members of Council and Committees in order to govern the affairs of the Township of North Frontenac in an accountable and transparent manner, and sets the minimum standard for the behavior of Members in carrying out their functions. It has been developed to assist Members to:

- a. Understand the standards of conduct that are expected of them;
- b. Fulfill their duty to act honestly and exercise reasonable care and diligence;
- c. Act in a way that enhances public confidence in local government; and
- d. Identify and resolve situations which might involve a conflict of interest or a potential misuse of position and authority.

In all matters and under all circumstances, the Members of Council/Committees shall be guided by and shall have regard to the *Municipal Conflict of Interest Act, 1990 c.M 50*, or its successor, and amendments thereto.

Following a regular or new election, the Clerk shall provide each Member of Council/Committees with a copy of this Policy, including any amendments.

SECTION 2.0 – DEFINITIONS

In this by-law:

Accountability means the principle that the Municipality will be responsible to its taxpayers/stakeholders for decisions made and policies implemented, as well as its actions or inactions. Additionally, accountability means how Members and Employees are held to account for their actions; and how actions are explained and justified in terms of appropriate criteria and in sufficient detail (*as stated in By-law #70-07 Accountability and Transparency Policy, as amended*).

CAO means the Chief Administrative Officer of the Corporation of the Township of North Frontenac, being the Senior Official for the Township having the authority to bind the Township; or in the CAO's absence, the Manager appointed by Council as the CAO Back-up.

Censure means a reprimand or the act of condemning sternly the actions of a Member whom the majority of Council believes is not conducting themselves in a manner consistent with the traditions of integrity, honesty, respect and good faith expected of Members adhering to the Township's rules and procedures.

Confidential Information includes information in the possession of the Township that the Township is either prohibited from disclosing, or is 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 subject to solicitor-client privilege and information that is deemed to be personal information, including:

- a. Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital and family status of an individual;

- b. Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- c. Any identifying number, symbol or other particular assigned to the individual;
- d. The address, telephone number, email address, fingerprints or blood type of the individual;
- e. The personal opinions or views of another individual about an individual;
- f. Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence; and
- g. The individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

It also means any information that is of a personal nature to the Employees or clients or information that is not available to the public and that, if disclosed, could result in loss or damage to the Township or could give the person to whom it is disclosed an advantage. Confidential information includes, but is not limited to the following information:

- a. Disclosed or discussed at a Closed Session;
- b. That is circulated to Members and marked "Confidential";
- c. That is given verbally in confidence in preparation of or following a Meeting that is closed to the public and includes, but is not limited to the following types of information:
 - i. Personal matters about an identifiable individual;
 - ii. Information about suppliers provided for evaluation which might be useful to other suppliers;
 - iii. Matters relating to legal affairs of the Township; sources of complaints where the identity of the complainant is given in confidence; items under negotiations; and
 - iv. Matters identified as solicitor-client privilege.

Council means the Council of the Corporation of the Township of North Frontenac.

Integrity Commissioner means the Integrity Commissioner appointed by the Council to provide independent and consistent complaint investigation and resolution respecting the Code of Conduct.

Member means a Member of Council or a Member of a Committee of Council.

Rules of Order means the rules of procedure and order established by this By-law to regulate conduct during a Meeting of Council/Committees. In the event of a question of procedure arising from this By-law, "The Everything Robert's Rules Book, Adams Media, 2004" as amended shall be referenced for clarification.

Sanctions include but are not limited to, censuring, removal from Committee

assignments either permanently or for an interim period or demand of an apology. (see Section 11.6)

Township means the Corporation of the Township of North Frontenac.

Transparency means the principle that the Municipality actively encourages and fosters taxpayers/ stakeholders participation and openness in its decision making processes. Additionally, transparency means that the municipality's decision making process is open and clear to the public (as stated in By-law #70-07 Accountability and Transparency Policy, as amended).

SECTION 3.0 – MEMBERS CODE OF CONDUCT

The Township of North Frontenac is committed to achieving transparent and accountable governance to best serve their constituents.

It is incumbent upon Members to be aware of and understand statutory obligations imposed upon Council as a whole, as well as on Members individually, as well as Municipal By-laws. Each Member shall conduct themselves in accordance with the *Municipal Act*; *Municipal Conflict of Interest Act*; *Municipal Freedom of Information and Protection of Privacy Act*; *Municipal Elections Act* and the *Occupational Health and Safety Act*.

This Section is intended to encourage the highest standards of ethical behavior to uphold the public trust, the integrity of governance and the Township's reputation, recognizing the public has a right to open government, participatory decision-making and reasonable access to information on how decisions are made.

Decision-making authority lies with Council as a whole, and not with an individual Member.

Members shall conduct themselves with decorum in accordance with the provisions of applicable law, including the *Municipal Act* and this Code of Conduct By-law, to show courtesy and respect to fellow Members and others. A Member recognizes the importance of co-operation and strives to create an atmosphere that is conducive to solving the issues before Council, listening to various points of view and using respectful language and behavior.

In accordance with the *Ontario Human Rights Code* and the *Occupational Health and Safety Act*, all persons will be treated with dignity and respect in an environment free of discrimination and harassment (see harassment definition in the legislation, as amended).

3.1 What Members Can Expect from the CAO, Managers and Employees

- a. Well organized Agenda packages, provided in advance of each Meeting.
- b. Adequate information for making decisions.
- c. Recommendations and/or options for handling issues.

- d. "No surprises".
- e. Demonstrate loyalty and support for the organization.
- f. The CAO, Managers and Employees accept that Council makes the final decision.
- g. The CAO, Managers and Employees respect the Members of Council as those who have been chosen to head the Township.

3.2 Council/Committee and Employee Interface

Clearly defined roles distinguishing between the concepts of "governance" and "management" is critical to the success of a Township and creates a cooperative working relationship between Council/Committee Members and Employees. It should be reinforced at the outset that Council sets the policy for the community; it does not participate in the daily operations of the Township. The following clearly defines these roles.

Under the direction of the CAO, employees serve Council as a whole, and the combined interests of all Members as evidenced through Council By-laws and/or Resolutions and is required to provide advice that is based on political neutrality and objectivity and without undue influence from any individual Member of Council. The CAO has overall responsibility for the administration of the Township's affairs in accordance with the decisions adopted by Council. The role of CAO is to implement Council's decisions and to establish administrative procedures to carry out Township operations.

Individual Members do not have authority to direct the CAO, Managers or Employees. Council acting as a body, through By-laws and/or Resolutions shall provide direction to Employees. Should clarification be required from individual Members, a request shall be made to the CAO, who will then decide which Employee will obtain the information. In the extended absence of the CAO or in the case of an urgent matter where the CAO is not available, inquiries shall be directed to the CAO Back-up.

3.3 Rules of Etiquette

Adhering to generally accepted Rules of Etiquette and the observation of common courtesy foster a good working relationship between Council/Committee and Employees.

To accurately and adequately communicate the attitudes and decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council are fostered.

Members shall have regard for the rules of etiquette when communicating with other Members, the Public or Employees verbally, through written correspondence, email and/or social media.

3.4 Gifts, Hospitality and Other Benefits

The objective of this Section is to ensure that Members make decisions based on impartial and objective assessment of each situation, free from influence of gifts, favours, hospitality or entertainment.

In this Policy gifts, commission, hospitality, reward, advantage or benefit of any kind, may be interchanged and shall be deemed to include all of the aforementioned.

Members shall not place themselves in a position of obligation to any person or organization which might reasonably benefit from special consideration or may seek preferential treatment.

Members are prohibited from soliciting, accepting, offering or agreeing to accept any gifts, commission, hospitality, reward, advantage or benefit of any kind, personally or through a family member or business connection, that is connected directly or indirectly with the performance of duties of office or could reasonably be construed as being given in anticipation of future, or recognition of past, "special consideration".

Members are prohibited from accepting, directly or indirectly, any gifts, hospitality or other benefits that are offered by persons, groups or organizations having dealings with the Township.

The above does not preclude Members from accepting:

- a. The stipend paid to each Member is intended to fully remunerate Members for service to the Township.
- b. A stipend from a board or commission that the Member serves on as a result of an appointment by Council.
- c. Reimbursement of reasonable expenses incurred in the performance of office and approved, in advance, by the annual budget or by Council Resolution.
- d. Reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations and approved, in advance, by the annual budget or by Council Resolution.
- e. Token gifts, souvenirs, mementoes or hospitality received in recognition for service on a committee, for speaking at an event or for representing the Township at an event.
- f. Food and beverages at meetings, banquets, receptions, ceremonies or similar events.
- g. Food, lodging, transportation, entertainment provided by other levels of governments, by other local governments or by local government boards or commissions.

- h. Gifts of a nominal value that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of the office.
- i. Political contributions that are otherwise offered, accepted and reported in accordance with applicable law.
- j. Services provided without compensation by persons volunteering their time for election campaign.

Where it is not possible to decline unauthorized gifts, hospitality or other benefit, Members shall report the matter to the CAO. The CAO may require that the gift be retained by the Township or be disposed of for charitable purposes.

3.5 Confidentiality

Members of Council shall keep confidential any information (as expanded on in the definition of Confidential Information):

- a. Disclosed or discussed at a Meeting of Council or Committee, or part of a Meeting of Council or Committee that was closed to the public. No Member of Council and/or Committee of Council shall take notes during a Closed Session.
- b. That is circulated to Members of Council that is marked confidential and/or on purple coloured paper.
- c. That is received in confidence verbally in preparation of the Closed Meeting.

Any documentation marked confidential and/or on purple coloured paper, shall be kept securely until no longer required in the course of business and shall at that time be deleted if electronic, or returned to the office of the Clerk for destruction.

3.6 Council Members Records Subject to Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

An individual Council Member's records are subject to MFIPPA where:

- 1. a Council Member is acting as an officer or employee of the Municipality, or performs a duty assigned by Council, such that they might be considered part of the institution, or
- 2. the records are in the custody or control of the Township.

3.7. Compliance and Interpretation

It is not the intention of discipline for a breach of this Policy to punish a Member but to change the behaviour of the Member. If a Member commits a breach of this Policy, the escalation of remedies shall be as follows:

- a. The Presiding Officer requests that the Member refrain from breaking the rules and specifies the infraction or rule being broken.
- b. If this fails, the Presiding Officer provides a more stern warning by calling the Member to order and ordering an apology if warranted.

- c. A situation where the Members actions puts other Members, Employees and/or the public in an unsafe circumstance, the Member shall be asked by the Presiding Officer to leave or be removed from the meeting.
- d. If, after this instruction, the Member continues with the action, the Presiding Officer shall, if the breach of conduct is serious enough, request the Council take action.
- e. Where an alleged contravention of this Policy occurs, Council shall hold a Closed Meeting to determine if the Member has breached this Policy. Public attacks on individuals such as staff that impugns their reputations may be actionable for libel or slander. Councillors must also respect MFIPPA and the prohibition against disclosing personal information that may come into their possession in the course of their Council duties. To violate MFIPPA can lead to prosecution and fines.
- f. The alleged Member shall be given the opportunity to address Council at the Closed Meeting and will be provided with sufficient time to explain the alleged breach of this Policy. The Member shall be permitted to introduce other evidence including to support his or her position, and shall have the option of attending with independent legal counsel. Should the Member have legal counsel, then the Township shall have the right to legal representation.
- g. Should Council determine that a Member has breached this Policy, Council shall determine the sanctions to be applied, in accordance with the definition.
- h. The Mayor shall report in the open session under "Rise and Report" that such a determination has been made, and Council shall pass a Resolution specifying the breach and the sanctions to be applied.
- i. All sanctions under this By-law will be fair and in keeping with the severity of the infraction, giving due regard to the Member's previous conduct.
- j. Nothing in this Section restricts or attempts to countermand a Member's legal right to challenge a decision by Council through established legal channels.

Section 223.3 (1) of the *Municipal Act* authorizes the Council of a municipality to appoint an Integrity Commissioner who reports to Council and is responsible for performing, in an independent manner, the application of a Code of Conduct, and the application of any procedure, rule and policy governing the ethical behavior of Members of Council. The Integrity Commissioner serves the public interest and is granted authority under the Act to educate, advise and investigate the conduct of Members of Council.

SECTION 4.0 – POLICY REVIEW

Council shall review the Code of Conduct Policy for Members of Council/Committees during each term of Council.

This Policy may be amended from time to time as deemed necessary, but only by Council adopting an Amending By-law. No amendment or repeal of this Policy or any part thereof shall be considered at any Meeting of Council unless notice of the proposed amendment or repeal is given at a previous Regular Meeting of Council and the waiving of notice is prohibited.

This Code of Conduct Policy will be included as part of an Orientation Workshop for each new term of Council. In addition, Members are expected to review this Policy themselves on a regular basis to assure compliance.

SECTION 5.0 – ACKNOWLEDGEMENT

The undersigned Member hereby acknowledges I have received a copy of this By-Law #62-17, being the "Code of Conduct Policy". One signed copy of this Acknowledgement was returned to the Clerk and the duplicate copy was retained by the Member. I have read and will comply with this Code of Conduct Policy.

Signature of Member
Acknowledgement of Receipt of Procedural and Code of Conduct Policy

Date of Signature

Print Name

Print Member's Title