

Corporate Policies and Procedures			
<b>DEPARTMENT:</b> <i>Council</i>			<b>POLICY #:</b> 1-02
<b>POLICY:</b> Council Code of Conduct			
<b>DATE:</b> October 1, 2014	<b>REV. DATE:</b> March 12, 2018	<b>COVERAGE:</b> All formal committees	<b>PAGE #:</b> 1 of 11

## **POLICY**

The purpose and intent of the Council Code of Conduct is to establish standards of conduct for Members of Council, Local Boards and Committee Members of the Corporation of the Township of Greater Madawaska in the individual conduct of their official duties.

The Code represents general standards. The Code does not replace “Members” roles, responsibilities, actions and behaviors required by various statutes, by-laws and policies.

## **PROCEDURE**

### **Statements of Principle:**

A written Code of Conduct helps to ensure that the “Members” share a common basis of acceptable conduct. These standards are designed to supplement the legislative parameters within which the “Members” must operate. These standards are intended to enhance public confidence that the Township of Greater Madawaska, its’ Boards and Committees as elected, and appointed officials operate from a basis of integrity, justice and courtesy.

### **Specific Policy Requirements:**

#### **Overview**

The Corporation of the Township of Greater Madawaska Code of Conduct is a general standard that augments the federal and provincial laws and municipal policies and by-laws that govern the “Members” conduct.

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### **Statutory Provisions Regulating Conduct**

This Code of Conduct is a complement to the existing legislation governing the conduct of Members of Council.

The following federal, provincial legislation governs the conduct of Members of Council:

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

### **Application**

This Code of Conduct applies to Members of The Township of Greater Madawaska Council.

### **Definitions**

In this Code of Conduct, the terms “child”, “parent” and “spouse” have the same meanings as in the *Municipal Conflict of Interest Act*:

“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;

“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.

“Member” means a person who is a member of municipal council, board or committee of the Corporation of the Township of Greater Madawaska.

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**I. 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 Township in a conscientious and diligent manner and shall approach decision-making with an open mind.
- “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.

**II. 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 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”). “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.

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

1. 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
2. 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.

### **III. Conduct at Council/Committee Meetings:**

“Members” shall conduct themselves with decorum at all Township Council and Committee meetings in accordance with the provisions being:

No “Member” shall:

1. Speak disrespectfully of the Reigning Sovereign or the Lieutenant-Governor of any province, or of a fellow member of Council or staff;
2. Use offensive words or un-parliamentary language;
3. Speak on any subject other than the subject in debate;
4. 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;
5. Disobey the Rules of Procedure, or a decision of the Mayor or of the Council on questions of order or practice or upon the interpretation of the Rules of Procedure.

### **IV. 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 Township’s *Workplace Harassment Policy*.

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**V. Improper Use of Influence:**

As an elected official, “Members” 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.

In the same manner, and as outlined in the *Provincial Offences Act – Conflict of Interest Policy*, “Members” 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*.

**VI. 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 of Council shall use, or permit the use of Township land, facilities, equipment, supplies, services, staff or other resources (for example, Township-owned materials, websites, or a Member of Council Constituency Services Budget) for activities other than purposes connected with the discharge of Council duties or Township business.

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.

**VII. Conduct Respecting Staff:**

The *Municipal Act, 2001* sets out the roles of “Members” and the municipal administration, including specific roles for statutory officers such as the Chief Administrative Officer, Clerk, Treasurer, 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;
  - (d.1) ensure the accountability and transparency of the operations of the municipality,

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- including the activities of the senior management of the municipality;
- (e) maintain the financial integrity of the municipality; and
  - (f) 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.

Township Council as a whole has the authority to approve budget, policy, governance and other such matters. Under the direction of the CAO, Township staff, and the staff of the Office of the Integrity Commissioner, 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 of Council.

“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.

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### **VIII. Expenses:**

“Members” are to submit expenses associated with travel to meetings, costs associated with attending education events such as a conference. Expenses include, meals, hotel rooms, mileage, etc.

Falsifying of receipts or signatures by a “Member” or staff is a serious breach of this Code of Conduct and the *Criminal Code of Canada* and could lead to prosecution.

### **VIII. Gifts, Benefits and Hospitality:**

“Members” are expected to represent the public and the interests of the municipality and to do so with both impartiality and objectivity. The acceptance of a gift, benefit or hospitality can imply favouritism, bias or influence on the part of the “Member”. 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.

“Members” shall not accept gifts that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved. For these purposes, a gift, benefit or hospitality provided with the “Member’s” knowledge to a “Member’s” spouse, child, or parent, is deemed to be a gift to that “Member”.

To enhance transparency and accountability with respect to gifts, benefits and hospitality, “Members” will file an annual disclosure statement, Appendix A, that will be added to the December Council Meeting agenda. “Members” are required to disclose all gifts, benefits, hospitality and sponsored travel received which individually exceed \$100 from one source in a calendar year.

The disclosure statement must indicate:

1. The nature of the gift, benefit or hospitality;
2. Its source and date of receipt;
3. The circumstances under which it was given or received;
4. Its estimated value;
5. What the recipient intends to do with the gift; and

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6. Whether the gift will at any point be left with the Township.

In the case of requirement No. 6. of the disclosure statement, those gifts received by “Members” which have significance or historical value for the Township of Greater Madawaska shall be left with the Township when the “Member” ceases to hold office.

**ACCEPTANCE OF EVENT TICKETS:**

The Township of Greater Madawaska is home to many types of festivals, community, cultural and sports events. Consequently, “Members” are often expected to attend or are frequently encouraged to attend by being provided with tickets or invitations.

As with gifts, the acceptance of this kind of benefit can appear to be a means of undue influence. While the choice of venues and events they attend is entirely at the discretion of “Members”, when accepting tickets as a gift or benefit, “Members” shall observe the following limits:

- To further enhance transparency all tickets of a value exceeding \$30 shall be disclosed annually, along with the disposition thereof (e.g. who attended with the Member, or if donated, to whom or what organization).
- A limit of two tickets for up to two events from one source in a calendar year is permitted and requires disclosure;
- Accepting any tickets for subsequent events from the same source is prohibited.

On receiving a disclosure statement, Appendix A, the Integrity Commissioner, shall examine it to ascertain whether the receipt of the gift or benefit might, in his or her opinion, create a conflict between a private interest and the public duty of the Member or in consultation with the CAO whether the gift has significance or historical value for the Township.

In the event that the Integrity Commissioner makes that preliminary determination, he or she shall call upon the “Member” to justify receipt of the gift or benefit.

Should the Integrity Commissioner determine that receipt was inappropriate, he or she may direct the “Member” to return the gift or remit the value of any gift or benefit already consumed to the Township.

The following are recognized as exceptions and do not require registration:

- (a) compensation authorized by law;



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- (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, in the case of members running for office;
- (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, or by a conference, seminar or event organizer where the member is either speaking or attending in an official capacity;
- (g) food and beverages consumed at banquets, receptions or similar events, if:
  1. attendance serves a legitimate business purpose;
  2. the person extending the invitation or a representative of the organization is in attendance; and
  3. the value is reasonable and the invitations infrequent;
- (h) communication to the offices of a “Member”, including subscriptions to newspapers and periodicals;
- (i) sponsorships and donations for community events organized or run by a “Member” or a third party on behalf of a member;
- (j) gifts of a nominal value (e.g. baseball cap, t-shirt, flash drive, book, etc.); and
- (k) any other gift or personal benefit, if the Integrity Commissioner is of the opinion it is unlikely that receipt of the gift or benefit gives rise to a reasonable presumption that the gift or benefit was given in order to influence the “Member” in the performance of his or her duties.

**XI. Election-Related Activity:**

“Members” are required to conduct themselves in accordance with the *Municipal Elections Act, 1996* and the *Township’s Use of Municipal Resources during Election 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.

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**XII. Compliance with the Code of Conduct:**

“Members” 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 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.

The Integrity Commissioner may also recommend that 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.

The Integrity Commissioner has the final authority to recommend any of the sanctions above or other remedial action at his or her discretion.

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Annual Gift Disclosure Statement

Position and Name of Member of Council: \_\_\_\_\_

<u>Date of Gift</u>	<u>Description of Value</u>	<u>Value of Gift</u>

\_\_\_\_\_

Signature

\_\_\_\_\_

Date