

**THE CORPORATION OF THE TOWNSHIP OF FRONT OF YONGE
POLICY AND PROCEDURES MANUAL**

**CODE OF CONDUCT FOR COUNCIL
MOTION 08-11-17**

1.0 Applications

- 1.1 This Code of Conduct applies to all Members of Council, being the Mayor and each Councillor.
- 1.2 As chief executive officer, the Mayor has additional responsibilities and, accordingly, must:
- a) uphold and promote the purpose of the municipality;
 - b) promote public involvement in the municipality's activities;
 - c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
 - d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

The principles set out in this Code of Conduct apply to the distinct role of the Mayor as the context requires.

- 1.3 All Members of Council are expected to follow this Code, the Council Procedural By-law and other sources of applicable procedural law. They are also subject to other sources of law such as:
- Municipal Act, 2001
 - Municipal Conflict of Interest Act
 - Municipal Elections Act
 - Municipal Freedom of Information and Protection of Privacy Act
 - The Criminal Code of Canada

2.0 Responsibilities of Council, the Mayor and Councillors

- 2.1 Council as a whole has the authority to approve budget, policy or processes, including the structures and procedures for committees. Authority to act on behalf of Council, including through a committee, can only be delegated by Council or through law.
- 2.2 Council is responsible for and dedicated to providing good and effective government for the public in an open, accountable and transparent manner.

- 2.3 A fiduciary relationship exists between the Council and inhabitants of the municipality.
- 2.4 Members of Council:
- a) must uphold the laws and conduct themselves with the highest degree of ethical behavior and integrity,
 - b) must promote healthy debate amongst the Members when discussing matters of public interest and such debate shall be with dignity, decorum and respect for the opinions of others,
 - c) must make reasonable attempts to build consensus on issues and failing that will respect the majority vote of council,
 - d) must conduct its activities in an orderly, professional and businesslike manner while ensuring accountability and transparency of the operations of the municipality,
 - e) must avoid conflict of interest,
 - f) must seek to advance the public interest with honesty and treat members of the public with dignity, understanding and respect,
 - g) may not make statements known to be false or make a statement with the intent to mislead Council or the public,
 - h) may not, in the exercise of an official power, duty, or function, give preferential treatment to any person or organization based solely on the identity of the person or organization. No Member of Council shall grant any special consideration or advantage in matters related to their position on Council to any person or organization(s) beyond that which is available to every citizen, and
 - i) must maintain the financial integrity of the municipality.

3.0 Members of Council and the Role of Staff

- 3.1 Mutual respect and cooperation are required to achieve the Council's corporate goals and implement the Council's strategies through the work of staff. The role of Council is to lead through setting policy and budget. It is not to manage or administer.
- 3.2 Staff members serve Council and work for the municipal corporation. Council directs staff through its decisions as recorded in the minutes and resolutions of Council. Members of Council have no individual capacity to direct members of staff to carry out particular functions.
- 3.3 Inquiries of staff from Members of Council should be directed to the appropriate senior staff.
- 3.4 Members of Council must respect that:
- a) staff provide advice and make policy recommendations in accordance with their professional ethics, expertise and obligations. They must not willfully injure the

reputation, impugn the integrity or question the capabilities or performance of staff in a manner that is inappropriate.

- b) staff undertake their duties based on political neutrality without undue influence. They may not invite or pressure any member of staff to engage in partisan political activities.

- 3.5 Members of Council must not 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.

4.0 Township Assets and Gifts

- 4.1 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.

- 4.2 Members of Council 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 or established policy.

- 4.3 Members of Council must not accept gifts and benefits except as provided for 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.

5.0 Confidentiality

- 5.1 Members 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.

- 5.2 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.

- 5.3 Members of Council must not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law.

6.0 Discrimination and Harassment

6.1 All members of Council 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*.

7.0 Election Related Activity

7.1 Members of Council are required to conduct themselves in accordance with the Municipal Elections Act, 1996. 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. Elections-related activity applies not only to a Member's personal campaign for office, but also other campaigns for municipal, provincial and federal office.

8.0 Consequences of Misconduct

8.1 Every Member of Council who fails to meet his or her obligations under this code is subject to any one or a combination of consequences below as determined by the appointed Integrity Commissioner;

- Reprimand in Open Council (Censure);
- Suspension of office for a period of not more than 90 business days;
- Removal from committees of council;
- Any combination of the above.

9.0 Investigation of Complaint

9.1 Any person may file a complaint regarding the conduct of a Member of Council.

9.2 A Complaint must be made in writing and signed by the person making the complaint.

9.3 The Clerk, upon receipt of a complete complaint shall acknowledge receipt of the complaint and convene a meeting of the Mayor and the Clerk to review the complaint and determine whether an investigation should be commenced.

9.4 Where it is determined that a further review and investigation may be required, the complaint shall be forwarded to the appointed Integrity Commissioner. The Integrity Commissioner may investigate the complaint(s), make findings, and report to Council on breaches, or potential breaches, of this code. The Integrity Commissioner will also

recommend to Council what the appropriate consequences of the breach may be. Where the Integrity Commissioner appointed for the municipality cannot or will not make a determination regarding a complaint, Council may pass a resolution requesting a judge of the Ontario Superior Court of Justice to conduct an investigation of the member's conduct under Section 274(1) of the Municipal Act, 2001 as amended. Should the Judge determine that a breach has occurred; the consequences contained in this policy shall be considered along with all other penalties provided for in other Acts of the Legislature. All complaints containing allegations of corruption or other criminal conduct will be referred to the police.

- 9.5 The Integrity Commissioner shall conduct the investigation in accordance with the principles as set out in the Public Inquiries Act.
- 9.6 In conducting the investigation, the Integrity Commissioner must maintain records of information gathered and witnesses interviewed. Investigations are to be conducted in private, and all information is to be treated as confidential.
- 9.7 Prior to making the report to Council, the Integrity Commissioner will give an opportunity to respond to any person against whom he or she is proposing to make adverse findings.
- 9.8 The Integrity Commissioner shall provide a report to Council in open session, which shall contain the Commissioner's opinion as to whether a breach of this code has occurred along with any recommended consequences or sanctions. Council shall be required to accept or decline, by recorded vote, the report of the Commissioner.
- 9.9 The Council body will be responsible for the implementation of any consequences, penalties or sanctions against its members.
- 9.10 If the Integrity Commissioner finds that a complaint has been filed that is malicious, frivolous, vexatious, or has no basis in fact, the complainant may be required to reimburse the municipality for the Integrity Commissioner's fees and costs associated with the complaint.