



The Corporation of the Town of Orangeville

By-law Number 044 - 2016

A by-law to confirm the approval of the Code of Conduct for Council, Local Boards and Committees

Whereas section 270 of the Municipal Act provides that a municipality shall adopt and maintain policies with respect to certain matters;

And whereas Council has adopted Corporate Policy G-004, Code of Conduct for Council, Local Boards and Committees;

Be it therefore enacted by the municipal Council of The Corporation of the Town of Orangeville as follows:

1. That Council confirm approval of Corporate Policy G-004, Code of Conduct for Council, Local Boards and Committees, attached as Schedule A to this By-Law.
2. This by-law shall come into force and effect on the date of its passage.

Passed in open Council this 9th day of May, 2016.

A handwritten signature in black ink, appearing to read 'Jeremy D Williams', written over a horizontal line.

Jeremy D Williams, Mayor

A handwritten signature in black ink, appearing to read 'Susan Greatrix', written over a horizontal line.

Susan Greatrix, Clerk

Schedule A



Corporate Policy

Code of Conduct for Council, Local Boards and Committees

Policy Category:	Governance
Policy Number:	G-004
Department:	Clerk
Attachments:	1.
Key Word(s):	Code, Conduct, Council, Local Boards, Committees
Related Documents/Legislation:	See section 2.1
Approved by Council:	April 18, 2016
Resolution No.	8
By-Law No.	044-2016
Revised:	N/A
Replaces:	N/A

Policy Statement:

A written Code of Conduct supports the principles of transparent and accountable government and helps to ensure members of Council, local boards and special and other committees of Council share a common integrity base and understanding for acceptable conduct extending beyond the legislative provisions governing their conduct.

Purpose

The purpose and intent of the Code of Conduct is to establish general standards of conduct to supplement the legislative parameters within which the members must operate. These standards should serve to enhance public confidence that the Town's elected and appointed representatives operate from a base of integrity, justice and courtesy.

The Code does not replace members' roles, responsibilities, actions and behaviours required by various statutes, by-laws and policies.

Definitions

For the purpose of this Code of Conduct,

- a) "Town" means The Corporation of the Town of Orangeville.
- b) "Code" means this Code of Conduct as it applies to members of Council, local boards and/or committees.
- c) "Committee" or "Committee of Council" means a special or other committee/board as defined and established in Boards and Committees By-Law No. 025-2015, as amended from time to time, and any successor by-law.
- d) "Corporation" means The Corporation of the Town of Orangeville.
- e) "Council" means the Council of the Town of Orangeville.
- f) "gifts and benefits" means any cash or monetary equivalent, fee, object of value, service, travel and accommodation, or entertainment.
- g) "local board" means a local board as defined in section 223.1 of the Municipal Act, 2001.
- h) "member" means a member of Council, a local board or committee.
- i) "member of Council" means the Mayor, Deputy Mayor or a Councillor of The Corporation of the Town of Orangeville.
- j) "official duties" means the public duties of a member within the Town's or local board's jurisdiction, done for the purpose of providing good government with respect to those matters.
- k) "personal benefit" means an advantage other than financial such as seeking an appointment, promotion or transfer within the Corporation on behalf of a family member, and includes the private interests of a member.
- l) "private interest" means all of the activities of a member not included in the term defined as "Official Duties".

Scope

This Code applies to all members of Council, local boards and committees in the individual conduct of their official duties.

Policy

1. Statements of Principle

1.1 The key principles that underline the Code of Conduct are:

- accountability, ethics and integrity are at the core of public confidence in government and in the political process;
- all members shall serve and be seen to serve their constituents in a conscientious and diligent manner, avoiding the improper use of the influence of their office, and conflicts of interest, both real and apparent;
- members are expected to perform their duties in office in a manner that promotes public confidence and will bear close public scrutiny.

2. Statutory Provisions

2.1 This Code of Conduct operates with and as a supplement to the existing statutes governing the conduct of members, including but not limited to:

- a) Municipal Act
- b) Municipal Conflict of Interest Act
- c) Municipal Freedom of Information and Protection of Privacy Act
- d) Municipal Elections Act
- e) The Occupational Health and Safety Act
- f) Human Rights Code
- g) The Criminal Code of Canada

3. General Standards of Conduct

3.1 Members are responsible for making honest statements. No member shall make a statement when they know that statement is false. No member shall make a statement with the intent to mislead Council or members of the public.

3.2 Members will conduct their dealings with each other in ways that maintain public confidence in the office to which they have been elected or appointed, are open and honest, focus on issues rather than personalities, and avoid aggressive, offensive or abusive conduct.

4. Responsibilities of Council and Members of Council

- 4.1 Only Council as a whole has the authority to direct staff, approve budget, policy or processes, including the structures and procedures for committees and other such matters. Authority to act on behalf of Council, including through a committee, can only be delegated by Council or through law.
- 4.2 Council is responsible for and dedicated to providing good and effective government for the public in an open, accountable and transparent manner.
- 4.3 Members of Council when appointed to local boards, committees or other bodies as part of their duties shall make every effort to participate diligently in the activities of these bodies with good faith and care.

5. Responsibilities of Members of Committees and Local Boards.

- 5.1. Members of the public appointed to committees or local boards do not hold office, represent a constituency within the community, represent Council, or represent the committee or the local board unless mandated to do so. Members of the public appointed to committees and local boards must respect both the word and spirit of this Code as it applies to them and also as it applies to members of Council.
- 5.2. Committees and local boards operate only within meetings for which proper notice has been given pursuant to a set agenda unless otherwise mandated by Council.
- 5.3. No member may act beyond the mandate of the committee or local board granted by Council.

6. Respect for Decision Making Process

- 6.1 Members shall accurately and adequately communicate the decisions of Council and local boards so that respect for the decision and decision-making process is fostered.
- 6.2 Members shall not attempt directly or indirectly to influence the decision-making process as it relates to the award of contracts or settlement of claims. This includes but is not limited to direct or indirect personal contact or interaction with the parties administering or directly involved in such processes.

7. Gifts and Benefits

- 7.1 Members shall not accept fees, gifts, hospitality or personal benefits that are connected directly or indirectly with the performance of their duties, except compensation authorized by law.
- 7.2 This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits up to and including a value of \$100.00 that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of office. Tokens, mementoes, souvenirs or gifts with a value of greater than \$100.00 shall be the property of the municipality.
- 7.3 No member shall seek or obtain by reason of their office any personal privilege or advantage with respect to Town services not otherwise available to the general public and not consequent to their official duties.

8. Confidential Information

- 8.1 All information, documents and deliberations received, reviewed or taken in closed session of Council and its committees are confidential, except as otherwise directed by Council.
- 8.2 Members shall not disclose or release verbally, in writing or by any other means, any confidential information acquired by virtue of their office, except when required by law to do so.
- 8.3 Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential.
- 8.4 Confidential information includes, but is not limited to information:
- about labour negotiations;
 - from suppliers which might be useful to other suppliers;
 - relating to the legal affairs of the Town;
 - where the identity of a complainant has been given in confidence;
 - about items under negotiation;
 - defined as “personal information” under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA);
 - protected under MFIPPA or other legislation;
 - of a personal nature to Town employees or clients;
 - that is not available to the public and that, if disclosed, could result in loss or damage to the Corporation or could give the person to whom it is disclosed an advantage;
 - disclosed or discussed at a closed meeting of Council;

- given verbally in confidence in preparation for or following a meeting that is closed to the public;
- circulated to members and marked “Confidential”.

This list is provided for example and is not inclusive. Requests for information should be referred to the Office of the Clerk to be addressed as a formal request under the Municipal Freedom of Information and Protection of Privacy Act.

- 8.5 Members shall not use confidential information for personal or private gain, or for the gain of relatives or any person or corporation or cause detriment to the Town, Council, local board, or others.
- 8.6 Members of Council shall not access or attempt to access confidential information in the custody of the Town unless it is necessary for the performance of their duties and not prohibited by Council policy.
- 8.7 Members are only entitled to information in the possession of the Town that is relevant to matters before the Council or a committee. Otherwise, they enjoy the same right to information as any other member of the community and must follow the same processes as any private citizen.

9. Use of Town Property, Services and Other Resources

- 9.1 No member of Council shall use, or permit the use of Town property, including land, facilities, equipment, supplies, services, staff or other resources (for example, Town-owned materials, networks, websites, Corporate transportation) for activities other than the business of the Corporation.
- 9.2 Personal use of Town-issued devices such as a tablet, laptop computer or cellular device is permitted.
- 9.3 No member shall obtain personal benefit or financial gain from the use or sale of Town property, including Town-developed intellectual property (for example, inventions, creative writings, computer programs and drawings), technical innovations, Town owned images, logos, coat of arms, or other items capable of being patented, since all such property remains exclusively that of the Town.
- 9.4 No member shall use information gained in the execution of their duties that is not available to the general public, for any purposes other than their official duties.
- 9.5 Members shall conduct themselves in accordance with the provisions of the Town Communications Policy.

10. Election Campaign Work

- 10.1 No member shall use the facilities, equipment, supplies, services or other resources of the Town (including members' personal websites and social media accounts linked through the Town's website) for any election campaign or campaign-related activities.
- 10.2 On January 1 of an election year, links to members' personal websites and social media accounts shall be removed from the Town's website.
- 10.3 No member shall undertake campaign-related activities on Town property.
- 10.4 No member shall use the services of Town staff for any election campaign or campaign related activities during hours in which Town staff receive any compensation from the Town.
- 10.5 No member shall use photographs depicting any member of Town staff in campaign literature or advertising.

11. Business Relations

- 11.1 No member shall borrow money from any person who regularly does business with the Town unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.
- 11.2 No member shall act as a paid agent before Council, its committees, or an agency, board or commission of the Town.
- 11.3 No member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the Town.

12. Conduct at Meetings of Council

- 12.1 Members shall make best attempts to attend Council and Standing Committee meetings and be on time. When a member cannot attend a meeting they shall contact appropriate person in advance.
- 12.2 During meetings, members shall conduct themselves with decorum. Respect for delegations and fellow members and staff requires that all members show courtesy and not distract from the business of the Council or Committee during presentations and when other members have the floor.

- 12.3 Members of Council shall set all handheld electronic devices to a non-audible signal, and shall not use electronic equipment (including smartphone, pager, laptop computer or similar device) in a manner which interrupts the proceedings of the Council.
- 12.4 Members of Council shall not engage in private conversation during a Council meeting in a manner which interrupts the proceedings of the Council.

13. Conduct Respecting Staff

- 13.1 Members are elected legislators for the Town. Staff are responsible for implementing the decisions of Council and ensuring the efficient and effective operation of Town services. Mutual respect and cooperation are required to achieve the Town's corporate goals and implement the Council's strategic priorities.
- 13.2 Council directs staff through its decisions as recorded in the minutes and resolutions of Council. Staff, under the direction of the Chief Administrative Officer, are responsible for implementing those decisions and ensuring the efficient and effective operation of Town services.
- 13.3 Members shall be respectful of the fact that staff work for the Town as a body corporate and are charged with making impartial recommendations that reflect their professional expertise and corporate perspective. Any individual member or faction of Council shall refrain from any conduct which may deter, interfere or unduly influence staff in the performance of such duties and obligations.
- 13.4 No member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of the staff of the Town.
- 13.5 Certain employees are employed within the administration of justice. Members shall refrain from making requests or statements or taking actions which may be construed as an attempt to influence the independent administration of justice.
- 13.6 No member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.

14. Respect for Others

- 14.1 Members shall conduct themselves in accordance with the provisions of the Town Harassment and Violence Policies.
- 14.2 Members shall treat every person, including other members, the public, staff and volunteers, with dignity, understanding and respect.

- 14.3 All members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation. All members shall ensure that their work environment is free from discrimination and personal and sexual harassment.

15. Town By-laws, Policies and Procedures

- 15.1 Members shall encourage public respect for the Town and its by-laws.
- 15.2 Members shall observe the terms of all policies and procedures established by Town Council, however, this provision does not prevent a member from requesting that Council grant an exemption from a policy.

16. Reprisals and Obstruction

- 16.1 Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commissioner is prohibited.
- 16.2 It is a violation of the Code to obstruct the Integrity Commissioner in the carrying out of his or her responsibilities, as, for example, providing inaccurate or misleading information to the Integrity Commissioner, refusing to answer inquiries or by the destruction of (records) documents or the erasing of electronic communications.

17. Compliance with the Code of Conduct

- 17.1 Members shall conduct themselves according to this Code.
- 17.2 In addition to any other consequence imposed by law, members found to have breached this Code may be subject to discipline, including return of a gift or benefit, removal from a local board or committee, loss of chairmanship, censure, a reprimand or, where applicable, suspension of remuneration paid for his or her services as a member, for a period of up to ninety (90) days.
- 17.3 Council shall appoint an Integrity Commissioner to investigate alleged breaches of this Code.
- 17.4 Any individual, including members of the public, Town staff, and members of Council, who has reasonable grounds to believe that a member has breached a provision of the Code, may submit a complaint.

18. Procedures

- 18.1 Members seeking clarification of any part of the Code should consult with the Integrity Commissioner.

18.2. If a breach of the Code is alleged the complaint should be lodged with the Integrity Commissioner.

18.3 The Integrity Commission will conduct an investigation and report to Council.