

The Corporation of the Town of South Bruce Peninsula

By-Law Number 112-2017

Being a By-Law to Amend By-Law Number 44-2009 Being a By-Law to Adopt the Manual Governing the Policies and Procedures for the Corporation of the Town of South Bruce Peninsula (Council Code of Conduct)

Whereas Section 8 of the Municipal Act, 2001, c.25, as amended, 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 11 of the Municipal Act, 2001, c.25, as amended, authorizes municipalities to pass by-laws regarding the accountability and transparency of the municipality and its operations;


And whereas Section 270 (1) 5 of the Municipal Act, 2011, c.25, as amended authorizes the municipality to adopt and maintain policies with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public;


And whereas the Council of the Corporation of the Town of South Bruce Peninsula adopted a Municipal Policy Manual and desires to amend said by-law by updating the policy with regard to Council Code of Ethics.

Now therefore the Council of the Corporation of the Town of South Bruce Peninsula enacts as follows:

- 1) **That the policy named Council Code of Conduct and numbered A.3.1 and as attached hereto, shall hereby be included in the Municipal Policy Manual.**
- 2) **That all by-laws and polices inconsistent with this by-law are hereby repealed and replaced with this by-law.**
- 3) **That this by-law shall come into full force and effect upon the final passing thereof.**

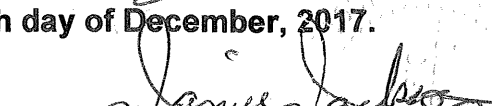
Read a first and second time this 5th day of December, 2017.

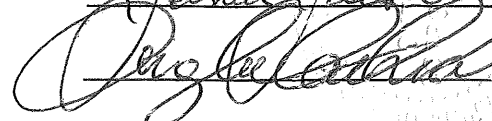


Mayor


Clerk

Read a third time and finally passed this 5th day of December, 2017.



Mayor


Clerk

Section: General	Policy Number: A.3.1
Sub-section: Council	Effective Date: September 22, 2009
Subject: Council Code of Conduct	Revision Date: November 1, 2016; December 5, 2017

Council Code of Conduct

Purpose

Improving the quality of municipal governance can best be achieved by encouraging high standards of conduct on the part of all municipal officials. The public is entitled to expect the highest standards of conduct from the members that it elects to local government.

Members of Council for the Town of South Bruce Peninsula fundamentally understand that:

- the proper operation of the democratic and representative municipal government requires that they be independent, impartial and responsible to the people;
- there are open and proper channels for decision making and approval of policy;
- conflicts between private interests and public responsibilities are unacceptable and must be avoided; and
- as leaders of the community, they are held to a higher standard of behaviour and conduct.

Accordingly this document will provide a guideline for elected officials in exercising their duties as a member of Council.

Policy

1. Definitions

Confidential information includes any information in the possession of or received in confidence by the municipality that the municipality is prohibited from disclosing or has decided to refuse to disclose under the Municipal Freedom of Information and Protection of Privacy Act or any other law. Confidential information also includes information of a corporate, commercial, scientific or technical nature received in confidence from third parties, personal information, information that is subject to solicitor-client privilege, information that concerns any confidential matters pertaining to personnel, labour relations, litigation, property acquisition, the security of property and any other information lawfully determined by Council to be confidential or required to remain or be kept confidential by legislation or order.

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Council means the body elected in governance of the Town of South Bruce Peninsula.

Individual when describing a complainant shall mean any person, organization, group, committee, board, corporation or body making a complaint.

Information includes a record or document.

Member means a person elected to Council.

2. Roles and Obligations

- 2.1 Council members recognize that their mandate incorporates tasks to include:
 - 2.1.1 Fairly representing the diversity of community views in developing an overall strategy for the future of our Town;
 - 2.1.2 Setting objectives and determining strategies to achieve Council's corporate objectives;
 - 2.1.3 Achieving sound financial management, planning and accountability;
 - 2.1.4 Being aware of and conversant with the statutory obligations imposed on Council as a whole, as well as each individual member of Council.
- 2.2 Members of Council shall observe and comply with established roles as defined in the **Municipal Act**.
- 2.3 Members of Council shall observe and comply with established provincial and federal legislation and guidelines as they relate to the operations of a municipality.
- 2.4 Members of Council shall observe and comply with roles and obligations as set forth in its Procedural By-Law and any other by-laws of the municipality which are in full force and effect.

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2.5 Members of Council shall observe and comply with any municipal policies or guidelines which are in place.

3. Confidential Information and Access to Information

3.1 No member of Council shall disclose, release or publish by any means to any person or to the public any confidential information acquired by virtue of his or her office in any form except when required or authorized by Council or otherwise by law to do so.

3.2 No member shall use confidential information for personal or private gain or benefit or for the personal or private gain or benefit of any other person or body.

3.3 A matter, the substance of a matter, and information pertaining to a matter that has been debated or discussed at a meeting closed to the public shall be maintained as confidential unless authorized by the Council or legislation to be released, generally or subject to conditions and such are complied with. No information pertaining to such a matter, the manner in which it was dealt with at the meeting or any part or description of the debate shall be disclosed unless authorized by Council or otherwise by law.

3.4 No member of Council shall obtain access or attempt to gain access to confidential information in the custody of the municipality except to the extent that such access is necessary for the performance of his or her duties and such access is not prohibited by Council or otherwise by law.

3.5 A member of Council will only release information in accordance with the Municipal Freedom of Information and Protection of Privacy Act.

3.6 A member of Council may make a request for access to information in accordance with the Municipal Freedom of Information and Protection of Privacy Act.

4. Communications and Media Relations

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- 4.1 Members of Council will accurately and adequately communicate the attitudes and decisions of Council, even if they disagree with a decision of Council.
- 4.2 Members of Council may state publicly that they did not support a decision and how they voted.
- 4.3 Members of Council will only convey their personal opinions in a manner which demonstrates respect for the decision making process of Council.
- 4.4 Official information related to decisions and resolutions made by Council will normally be communicated in the first instance to the community and the media in an official capacity by the Mayor or designate.
- 4.5 Members of Council will ensure that any information concerning adopted policies, procedures and decisions of Council is conveyed openly and accurately.
- 5. **Relationship with Staff, the Public and Other Members of Council**
 - 5.1 Every member shall be respectful of the role of staff to provide advice based on political neutrality and objectivity without undue influence from any member or faction of Council.
 - 5.2 No member will maliciously or falsely injure or impugn the professional or ethical reputation of any member of staff, the public or member of Council.
 - 5.3 No member will use any influence except through Council as a whole to provide direction to staff members to carry out specific tasks or functions.
 - 5.4 Every member has the duty and responsibility to treat members of the public, one another and staff appropriately and without abuse, bullying, intimidation and to ensure that the municipal work environment is free from discrimination and harassment.
 - 5.5 No member shall request that staff engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.

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- 5.6 No member shall engage in any form of slanderous, malicious or demeaning communication in regard to other members of Council, the public or municipal staff.
- 5.7 Members shall conduct themselves with appropriate decorum at all times in the community or when making presentations from the Town as a result of the office they hold.

6. Gifts and Benefits

- 6.1 Members of Council will only accept gifts, hospitality or entertainment of a nominal value that could not be reasonably construed as being given in anticipation or recognition of special consideration by the Town.
- 6.2 Members of Council will only accept gifts, hospitality or entertainment if the offer is infrequent (maximum 2 times per year per source) and appropriate to the occasion.
- 6.3 Members of Council will acknowledge that the Mayor will in his/her role, periodically receive and distribute ceremonial articles or other similar items.
- 6.4 Members of Council understand that for the purpose of this Code of Conduct, gifts or benefits directly or indirectly connected to the performance of the member's duties and provided to the member's spouse, child or parent are deemed to be gifts or benefits to that member.

7. Conflicts of Interest

- 7.1 Members of Council will recognize their obligations to follow and respect both the letter and spirit of the provisions of the Municipal Conflict of Interest Act, as amended from time to time.

8. Use of Property

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8.1 No member of Council shall use or permit the use of municipal land, facilities, equipment, supplies, services, staff or other resource including any municipally-owned information, website or funds allocated for Council expenses for any purpose or activity other than the lawful business of the municipal corporation.

8.2 No member shall seek or acquire any personal financial gain from the use or sale of confidential information or of any municipally-owned intellectual property including any invention, creative writing or drawing, computer program, technical innovation or any other information or item capable of being patented or copyrighted of which property remains exclusively that of the Town.

9. Transparency and Openness in Decision Making

9.1 Members of Council will conduct and convey Council business in an open public manner (other than for those matters of a confidential nature) so that stakeholders can participate in the process and understand the logic and rationale which was used to reach conclusions or decisions.

10. Complaints and Implementation

10.1 The Code of Conduct will be provided to each member of Council prior to their first regular meeting.

10.2 Any individual who identifies behavior or activity by a member of Council that appears to be in contravention of the Code of Conduct is encouraged to advise the member that their behavior or activity contravenes the Code of Conduct and encourage the member to refrain from continuing the behavior or activity.

10.3.1 Any individual may make written complaint to Council with respect to member adherence to the Code of Conduct.

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10.3.2 Council will not receive complaints with respect to alleged breaches of conflict of interest or any alleged criminal code violation. Complainants making these types of allegations will be referred to the appropriate legislation and/or authorities for direction. Where other policies/legislation exist to deal with specific types of complaints (ie. workplace violence/harassment) those complaint processes will be followed and may be concurrent with this complaint process if necessary.

10.3.3 The complaint will be in writing and signed by the complainant and will clearly explain the alleged breach including the time of the alleged breach.

10.3.4 Any complaint received will be treated confidentially and discussed by Council in a closed session. The complainants name will be disclosed in confidence and only when required.

10.4.1 Council may discuss the complaint and may decide whether or not they will engage the services of an Integrity Commissioner to review the complaint received and take such action as is permissible under legislation.

10.4.2 In the absence of an Integrity Commissioner being appointed to review the individual complaint, Council may discuss the complaint and determine by majority if there has in fact been a breach of the Code of Conduct. No reprimand or monetary penalty may be levied by Council against any member found to be in violation of the Code of Conduct. Council may request that the member of Council reviews the Code of Conduct.

10.5 Council may discuss their options under all applicable law with respect to any breach and may make suggestions to the offending member or may take other appropriate action as at law.

10.6 A member of Council may voluntarily take responsibility for the breach.

10.7.1 Any outcome will be communicated to the complainant.

10.7.2 Any outcome will be reported in an open Council meeting and will only include: the name of the member of Council, the breach which occurred, the date of the breach and the outcome of the breach investigation. The name of the complainant will not be released except in accordance with Municipal Freedom of Information and Protection of Privacy legislation.

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10.8 The complainant or any party will have the right to request that the Office of the Ombudsman review the complaint and the outcome and take any action deemed necessary by that organization.