

The Corporation of the Town of South Bruce Peninsula

By-Law Number 9-2019

**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:

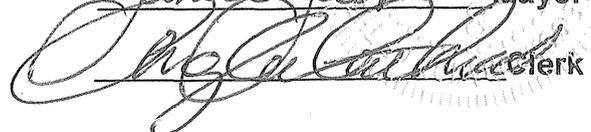
- 1) That the policy named Council Code of Conduct and numbered A.3.1 and as attached hereto, shall hereby be included in the Municipal Policy Manual.
- 2) That all by-laws and polices inconsistent with this by-law are hereby repealed and replaced with this by-law.
- 3) That this by-law shall come into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

Read a first and second time this 19th day of February, 2019.


Mayor

Clerk

Read a third time and finally passed this 19th day of February, 2019.


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; February 19, 2019

Council Code of Conduct

A. 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 behavior and conduct.

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

B. Application

This policy applies to members of Council and members of Local Boards, where the Local Board has not adopted its own Code of Conduct. The references to Council will be interchangeable in meaning with Local Board.

C. 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

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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.

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

Gifts and benefits mean any cash or monetary equivalent, fee, object of value, service, travel and accommodation or entertainment.

Hospitality means instances where there is entertainment of or by outside parties.

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.

Integrity Commissioner means that person appointed by Council to carry out the duties of an Integrity Commissioner as outlined in the Municipal Act.

Member means a person elected or appointed to Council and to a Local Board as the case may be.

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;

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- 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.
- 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.

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- 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**
- 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.

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- 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.
- 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, Benefits and Hospitality**
- 6.1 It is acknowledged that the Mayor will in his/her role, periodically receive and distribute ceremonial articles or other similar items which shall not be construed as a breach of the Council Code of Conduct.
- 6.2 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.
- 6.3 Members of Council shall not accept gifts that would appear to be in gratitude for influence, to induce influence or otherwise go beyond the necessary and appropriate public functions involved.

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- 6.4 Members of Council are not precluded from accepting:
- 6.4.1 Personal gifts, benefits, rewards, commissions or advantages from any person or organization which are wholly unconnected with the performance of the member as an elected or appointed representative.
 - 6.4.2 Political contributions that are otherwise offered, accepted and reported in accordance with applicable law.
 - 6.4.3 Services provided without compensation by persons volunteering their time.
 - 6.4.4 Invitations from charity, not-for-profit and similar types of organizations to attend their events.
 - 6.4.5 Communications to the offices of a member, including subscriptions to newspapers and periodicals.
 - 6.4.6 Gifts of a nominal value (eg. baseball cap, t-shirt, book, etc.).
 - 6.4.7 Food and beverages at banquets, receptions, ceremonies or similar events.
 - 6.4.8 A memento received by a member at a function honouring the member.
 - 6.4.9 A memento received as a result of being a speaker, participant or representative of the Town at an event or ceremony.
 - 6.4.10 Gifts or benefits received as a result of social protocol, customs or social obligations that normally accompany the performance of official duties.
 - 6.4.11 Food, lodging, transportation and entertainment provided by other levels of government or other local governments, boards or commissions.
 - 6.4.12 Sponsorships and donations for community events organized or run by the Town, a member or a third party on behalf of a member.

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- 6.5 It is recognized that the extension and acceptance of forms of hospitality (including invitations to events, outings, engagements, performances, etc.) is within the activity suite of members. Any hospitality should fall within the following parameters:
 - 6.5.1 Members do not allow themselves to reach a position whereby they might be or deemed by others to be influenced in making a decision as a consequence of the offering or acceptance of such hospitality.
 - 6.5.2 It serves the legitimate business purpose related to the responsibilities of the member.
 - 6.5.3 The person extending the invitation or a representative of the organization is in attendance.
 - 6.5.4 The value and frequency is reasonable.
- 6.6 Members shall return any gifts or benefits or not accept hospitality which does not comply with this Code of Conduct along with an explanation of why the gifts, benefits or hospitality cannot be accepted.
- 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**
 - 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.

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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. Conduct Respecting Lobbying

10.1 Members of Council as elected representatives are often approached by various individuals attempting to influence Council decisions. While lobbying is an acceptable practice, Council members must be aware that it is their responsibility to make decisions based on impartial and objective assessment of each situation.

11. Adherence to and Compliance with the Code of Conduct

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

11.2 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.

11.3 The Integrity Commissioner shall be responsible to investigate any alleged breaches of this Code of Conduct, subject to provisions contained in the Municipal Act, 2001 as may be amended and any by-law, procedures or polices enacted by Council.