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1. PURPOSE

The purpose and intent of this policy is to establish guidelines for ethical and interpersonal standards of conduct for Members of Council by improving the quality of public administration and governance and by encouraging high standards of conduct on the part of all government officials.

- a) Protect the public interest.
- b) Encourage high ethical standards among Municipal Council Members.
- c) Provide a universal understanding of the fundamental rights, privileges, and obligations of Municipal Council Members.
- d) Provides a means for Municipal Council Members to obtain authorization for some contemplated conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct.
- e) Set out the means of correcting unethical conduct.
- f) Municipal Council Members hold positions of privilege. Therefore, they must discharge their duties in a manner that recognizes a fundamental commitment to the well-being of the community and regard for the integrity of the Corporation.
- g) The importance of Policy:
 - i. Ensures equitable treatment of citizens;
 - ii. Ensures equitable treatment of employees;
 - iii. Communicating corporate priorities to employees;
 - iv. Ensuring compliance with statutory requirements;
 - v. Minimize liability risks;
 - vi. Ensures accountability at all levels;
 - vii. Ensures optimal use of available resources;

The Code of Conduct is a general standard that augments the provincial laws that govern conduct. It is not intended to replace personal ethics.

2. DUTY OF COUNCIL

Attaining an elected position within one's community is a privilege which carries significant responsibilities and obligations. Members are held to a high standard as leaders of the community and they are expected to become well informed on all aspects of municipal governance, administration, planning and operations. They are also expected to carry out their duties in a fair, impartial, transparent and professional

manner. They are expected to act honestly, independently, with discretion and without regard to self-interest and to avoid any situation liable to give rise to a conflict of interest. They are expected to be mindful of the importance of their duties and responsibilities, to take into account the public character of their function and to conduct themselves in a way that maintains and promotes the public's trust in the Village of South River, All members shall serve the residents of the Village of South River in a conscientious and diligent manner. No member shall use the influence of office for any purpose other than the exercise of his or her official duties.

This Code of Conduct is a public declaration of the principles of good conduct and ethics (standards of behaviour) "that we, the Members of the Village of South River Council have decided its' stakeholders could reasonably expect of us as members of Council to demonstrate in the performance of our responsibilities as elected community representatives".

The key stakeholders, although obvious at first, represent a broad base of interests and concerns which require fair and open attention, adjudication and disposition.

These key stakeholders include but are not limited to:

- a) Residents
- b) Ratepayers
- c) Other members of Council
- d) Staff
- e) Local Boards and Committees
- f) Province of Ontario
- g) Federal Government
- h) School Boards and other Public Agencies
- i) Suppliers

To assist the Village of South River Council in interacting effectively with all stakeholders, the following obligations are expected of each **Member of Council**;

- a) That they solemnly promise, declare and carry out their responsibilities as prescribed in the oath of office.
- b) That they familiarize themselves with and follow the Procedural By-law for the Council and its Committees.

- c) That they follow the provisions of *the Municipal Act*, as amended, and read and follow the *Municipal Conflict of Interest Act*.

3. POLICY STATEMENT

Local government is an open, accessible, and accountable form of government. The relationship of public trust and mutual respect which has evolved between government and the public, and which has been eroded in light of several high profile Canadian municipal government officials' misuse of power and lack of good judgement, requires high standards of ethical conduct by the municipal Council Members.

4. DEFINITIONS

- a) **Municipal Council Members** – include the Mayor and Member of Council of the Village of South River.
- b) **Public Comment** - disclosures made in a public speech, lecture, radio or television broadcast, in the press or book form.
- c) **Confidential Information** – while the classification of information as “confidential” is a matter of Council discretion whether labeled as confidential or not, disclosure of information will not constitute a breach of the Code of Conduct unless that information is of an inherently confidential nature such as:
 - i. Personal data of employees or others
 - ii. Records related to internal policies and practices, which if disclosed, may prejudice the effective performance of a municipal operation
 - iii. Records of a financial nature reflecting information given or accumulated in confidence.
 - iv. Files prepared in connection with litigation and adjudicative proceedings.
 - v. Reports of consultants, policy drafts and internal communications, which, if disclosed, may prejudice the effective operation of the municipality.
- d) **Municipality** – the Corporation of the Village of South River

5. RESPONSIBILITIES

5.1 Statement of Commitment

We, the Members of the Corporation of the Village of South River Council, are committed to discharging our duties conscientiously and to the best of our ability.

In the performance of our community role we will act with honesty and integrity and generally conduct ourselves in a way both generates

community trust and confidence in us as individuals and enhances the role and image of the Council and local government generally.

In addition to all legislative requirements, we the Members of the Corporation of the Village of South River have adopted the requirements of this Code of Conduct and ethics are standards that will adopt in the performance of our role.

5.2 Standard of Conduct

- a. Members of Council must not make improper use of information acquired or have improper use of their position as a Member of Council;
- b. Members of Council are to act honestly and with reasonable care and exercise due diligence in the performance and discharge of official functions and duties;
- c. Members of Council shall, at all times, seek to advance the common good of the community which they serve and act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality is not compromised;
- d. Members of Council shall truly, faithfully and impartially exercise the office to the best of their knowledge and ability; and
- e. Members of Council shall perform the functions of office in good faith, honestly and in a transparent manner.
- f. Members of other councils who sit on shared services committees which are administered by the Village and citizens who are appointed to council committees will be governed by the Village of South River's Procedural By-law

5.3 Conduct to be Observed

a) Statutory Provisions Regulating Conduct

This Code of Conduct is supplemental to the existing statutes governing the conduct of members. Five pieces of legislation govern the conduct of Members of Council.

- i. *Municipal Act, 2001, s. 223.2(1), as amended;*
- ii. *Municipal Conflict of Interest Act;*
- iii. *Municipal Elections Act, 1996, as amended;*
- iv. *Municipal Freedom of Information and Protection of Privacy Act; and*

- v. *The Criminal Code of Canada* also governs the conduct of Members of Council.
 - vi. Council uses the *Roberts Rules of Order* as its model in governing meetings and conduct when the procedural by-law does not specifically speak to a situation.
- b) Municipal Act 2001, as amended – Legislated Responsibilities
The following are distinct and specialized roles carried out by Council as a whole and by individual Councillors' when performing their other roles. The key requirements of these roles are captured as noted under 3.(c).
- c) Role of Council as noted under Section 224. 2006, c. 32, Sch. A, s. 99
- i. To represent the public & to consider the well-being & interests of the municipality
 - ii. To develop and evaluate the policies and programs of the municipality;
 - iii. To determine which services the municipality provides;
 - iv. To ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of the Council;
 - v. To ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
 - vi. To maintain the financial integrity of the municipality; and
 - vii. To carry out the duties of council under this or any other Act.
- d) Role of Head of Council as noted under Section 225. 2006, c. 32, Sch. A, s. 100
- i. To act as Chief Executive Officer of the municipality;
 - ii. Preside over Council meetings so that its business can be carried out efficiently and effectively;
 - iii. To provide leadership to the Council;
 - iv. Without limiting clause ©, to provide information and recommendations to the Council with respect to the role of Council described in 224 (d) and (d.1);
 - v. To represent the municipality at official functions; and
 - vi. To carry out the duties of the head of Council under this or any other Act.

- e) Role of Officers and Employees as noted under Section 227. 2006, c.32, Sch. A, s.100
- i. To implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
 - ii. To undertake research and provide advice to Council on the policies and programs of the municipality; and
 - iii. To carry out duties required under this or any other Act and other duties assigned by the municipality.

5.4 Confidentiality

Every municipal Council Member must hold in strict confidence all information of a confidential nature acquired in the course of his or her term with the municipality.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:

- I. To use confidential information, which is not available to the general public, and to which Members of Council have access by reason of his/her position with the municipality to further his/her personal interests, agendas or the interests or agendas of others.
- II. To disclose, either directly or indirectly, release, make public or in any way divulge any such information (verbal or written) or any aspect of the in "Closed Session" deliberations to anyone unless expressly authorized by Council or required by law to do so.
- III. To disclose to unauthorized persons confidential information to which the Member of Council has access by reason of his/her position as a Member of Council with the municipality.
- IV. Council shall comply with the *Municipal Freedom of Information and Protection of Privacy Act* at all times. Public comments, discussions and disclosures to the media regarding employees of individuals that breach a person's privacy is deemed to be a contravention of this Code of Conduct.

5.5 Personal Gain

- I. A Member of Council may not use their position, privileges, or confidential information obtained as the Mayor or Councillor for private gain or to improperly benefit another person.
- II. The Mayor or Councillor may not be a party to or beneficiary under a contract for:
 - The provision of goods or services to the municipality; or
 - The performance of any work otherwise than as a Councillor for the municipality.
- III. A Member of Council may not obtain a financial interest in any business of the Municipality; or
- IV. A Member of Council may not appear on behalf of any other person before the Council or a Committee for a fee or other consideration.

5.6 Respect the Decision Making Process

All Members of Council shall communicate accurately the decision of Council or Committees, in such a manner that shows respect for the decision making process of Council or Committee even if they disagree with Council's decision.

5.7 Conduct Respecting Staff

Only Council as a whole, where applicable, has the authority to approve budget, policy, Committee processes and other such matters. Accordingly, members shall direct requests outside of Council or Committees approved budgets, as per the established Chain of Command, attached as Schedule 'A'. Unless an emergency, all Staff responses will be provided during regular work hours.

- (a) Under the direction of the CAO or designate staff serves the Council as a whole and the combined interests of all members as evidenced through the decisions of Council.
- (b) Council shall be respectful of the role of staff to advise based on political fairness, and objectivity, and without due influence from any individual member or group of Council.
- (c) No Member of Council shall maliciously or falsely harm the professional or ethical reputation or the prospects or practice of staff. All Members shall show respect for the professional capacities of the staff of the Village of South River.

- (d) No member of Council shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing such activities.
- (e) Council shall 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 with the person's duties including the duty to disclose improper activity.
- (f) No Member of Council shall;
 - Maliciously or falsely injure the professional or ethical reputation by spreading malicious rumours;
 - Cause persistent, excessive nit-picking, unjustified criticism and constant scrutiny;
 - Exclude or ignore the target;
 - Refuse to acknowledge the target or his/her contributions;
 - Undermine the target's efforts by setting impossible goals and deadlines;
 - Impede or have influence on an employee's effort in advancing, promotions or transfers
 - Pursue personal vendettas or revenge by using their municipal position as a councillor to 'settle scores'.

Bullying is the ongoing health or career endangering mistreatment of an employee, by one or more of their peers or supervisors. This takes the form of psychological harassment.

5.8 Interpersonal Behaviour of Members of Council

I. Treat Every Person with Dignity, Understanding and Respect

Members of Council shall abide by the provisions of the *Human Rights Code* and, in doing so, shall treat every person including other members of Council, Committees, Boards, corporate employees, individuals providing services on a contract basis and the public with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination.

II. Not to Discriminate

In accordance with the *Human Rights Code*, Members of Council shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, disability or personal history. “Age”, “disability”, “family status”, “record of offences”, “same sex partnership status”, shall be as defined in the *Human Rights Code*.

III. Not to Engage in Harassment

In accordance with the *Human Rights Code*, harassment shall mean engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Without limiting the generality of the foregoing, Members of Council **shall not**:

- Make racial, homophobic, sexist or ethnic slurs;
- Display pornographic, homophobic, sexist, racist or other offensive or derogatory material;
- Make leering (suggestive staring) or other offensive gestures;
- Make written or verbal abuse or threats;
- Vandalize the personal property of others;
- Commit physical or sexual assault;
- Make unwelcome remarks, jokes, innuendos or taunting statements about a person’s physical appearance, racial background, colour, ethnic origin, place of origin, citizenship, ancestry, creed (religion or belief), sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, disability (physical or mental);
- Make unwelcome remarks, insulting gestures or jokes which cause embarrassment or awkwardness;
- Refuse to converse or interact with anyone because of their racial or ethnic background, colour, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability;

- Make unnecessary or unwanted physical contact, including touching, patting, or pinching;
- Demand sexual favours or requests

IV. Charges and/or Convictions

Members of Council who are charged under the Canadian Criminal Code or any provincial act shall be encouraged to take a leave of absence from Council activities, including meetings, until such a time as all charges have been dropped or the matter closed in order to not distract Council from its regular business or cause Council and its residents to be embarrassed by negative media publicity.

In the same way, any Member of Council who has been found guilty of his/her charges shall be encouraged to resign from Council as a gesture of respect for his/her peers and the general public who has placed its trust in this Member of Council at the time of the municipal election.

V. Conduct at Meetings

It is understood that Members of Council and Committees are required to conduct themselves in a manner which does not disrupt the meeting proceedings, take away from the seriousness of the business being discussed or reduce the meetings to verbally abusive yelling matches.

Without limiting the generality of the foregoing, Members of Council **shall**:

- Arrive and seated at the table prior to the meeting being called to order;
- Arrive prepared having read all documentation forwarded and having any housekeeping questions or clarification questions asked prior to the meeting being called to order.
- Disable the audible signals on their cell phones during any Council or Committee meetings

- Refrain from yelling, swearing, repeating gossip, using any physical violence, being purposely disruptive, making threats and making personal verbal attacks toward other Members of Council
- Respect the decision making process as discussed in Item 5.6

5.9 Gifts, Hospitality and Other Benefits

The objective of these policies is to ensure that Councillors make decisions based on objective assessment of each situation free from influence of gifts, favours, hospitality or entertainment.

In this policy, gifts, commission, hospitality, reward, advantage or benefit of any kind, may be interchanged and shall be deemed to include all of the aforementioned.

- i) The stipend paid to each Member of Council is intended to fully remunerate Members of Council for service to the Corporation.
- ii) Members of Council are prohibited from soliciting, accepting, offering or agreeing to accept any gifts, commission, hospitality, reward, advantage or benefit of any kind, personally or through a family member or business connection, that is connected directly or indirectly with the performance of duties of office or dealings with the municipality or could reasonably be construed as being given in anticipation of future or recognition of past “special consideration”.
- iii) The above policy does not preclude Members of Council from accepting:
 - Token gifts, souvenirs, mementoes or hospitality received in recognition for service on a committee, for speaking at an event or for representing the Village of South River at an event.
 - Political contributions that are otherwise offered, accepted and reported in accordance with applicable law;

- Food and beverages at meetings, banquets, receptions, ceremonies or similar events.
 - Food, lodging, transportation, entertainment provided by other levels of government, by other local governments or by local government boards or commissions;
 - A stipend from a board or commission that the Councillor serves on as a result of an appointment by Council;
 - Reimbursement of reasonable expenses incurred in the performance of office;
 - Reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations;
 - Gifts of a nominal value that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of the office;
 - Services provided without compensation by persons volunteering their time for election campaign.
- iv) Where it is not possible to decline unauthorized gifts, hospitality or other benefit, members of Council shall report the matter to the Clerk Administrator. The Clerk Administrator may require that the gift be returned to the sender with an acknowledgement of the return and references to this Code of Conduct or be retained by the Village of South River or be disposed for charitable purposes.
- v) Members of Council shall not place themselves in a position of obligation to any person or organization which might reasonably benefit from special consideration or may seek preferential treatment.

6. BREACH OF POLICY

- a) Any member of Council, including the Mayor, may submit a confidential written allegation of a breach of the Code of Conduct for Council to the Clerk Administrator.
- b) The Clerk Administrator shall hold the allegation in confidence and shall place the personal matter on the next Regular or Special Meeting of Council Agenda in Closed Session.
- c) When the matter is addressed at the next Council Meeting in Closed Session, the party that is the subject of the allegation may ask to have the matter tabled to allow said party to obtain legal counsel. In such case, a second meeting of Council in Closed Session will be called no sooner than fourteen (14) days from the date of the above referenced Council Meeting. The Party, so alleged, may then introduce evidence including witnesses and legal counsel to support his or her position.
- d) Should Council determine that a Member has potentially breached a policy of the Code of Conduct, Council shall rise and report that such a determination has been made and pass a resolution as to the outcome and the consequences for such a breach.

The breach shall be ratified by resolution in ***open session*** of Council.

- e) Should Council feel that a breach may have occurred, but is unable to make a determination, 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*. Should the Judge determine that a breach has occurred the

consequences for such a breach shall be determined in accordance with this Policy.

- f) Should a breach occur consequences for such breach may include, but are not limited to, removal from Committee assignments either permanently or for an interim period, “barring” the Member from being circulated/informed of confidential materials/matters, or demand an apology.
- g) All breach’s under this By-law will be treated fair and in keeping with the severity of the infraction giving due regard to the individual’s previous conduct.
- h) Nothing in this section restricts or attempts to countermand a Councillor’s legal right to challenge a decision by Council through established legal channels.

6. RESOLUTION TO ADOPT

239-2014 Smith/O’Hallarn

BE IT RESOLVED THAT the Council of the Village of South River does hereby adopt the Village of South River Code of Conduct for Council which will be reviewed at the beginning of a new term of Council and annually thereafter.

Carried