

# The Corporation of the Township of Georgian Bluffs

## By-law Number 2019-012

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### **BEING a By-law to adopt Policy COU-01-2019 – Council Code of Conduct**

**Whereas**, as of March 1, 2019, Section 223.2 (1) of the *Municipal Act, 2001*, as amended, requires that municipalities shall adopt a Code of Conduct for members of Council of a municipality and its local boards; and

**Whereas**, as of March 1, 2019, Ontario Regulation 55/18 establishes prescribed subject matters to be included in a Code of Conduct for members of council of a municipality and its local boards; and

**Whereas**, the Council of the Corporation of the Township of Georgian Bluffs deems it necessary to adopt such a Code of Conduct;

**Therefore, the Council of the Corporation of the Township of Georgian Bluffs enacts the following:**

1. That Policy COU-01-2019 – Council Code of Conduct, applying to members of Council of the Township of Georgian Bluffs and members of Council committees and boards, attached hereto as Schedule A, is adopted.
2. That this by-law shall come into force and effect upon passing.

**Read a first and second time this 20<sup>th</sup> day of February, 2019.**

**Read a third time and passed this 20<sup>th</sup> day of February, 2019.**

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Mayor – Dwight Burley

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Clerk – Wendi Hunter



# Township of Georgian Bluffs

## Council Code of Conduct

### 1. Policy Statement

The public expects the highest standard of conduct from the Members elected to local government. These leaders are expected to carry out their duties in a fair, impartial, transparent and professional manner. This policy supports open, transparent, accessible and accountable government providing clear guidance on Council conduct and mechanisms to bring forward complaints.

### 2. Purpose

A written Code of Conduct helps to ensure a common basis of acceptable behaviour. These standards demonstrate how elected representatives conduct themselves with integrity and respect.

### 3. Scope

The Code of Conduct applies to Members of Council and members of Council committees and boards.

### 4. Definitions

“Agent” means a representative who acts on behalf of other persons or organizations, but does not include Members performing Official Duties.

“Assets” means all property of the Township, including equipment, financial assets, land, vehicles, material, paper and electronic documents, inventories, tools, electronic equipment, computers, email, internet services and intellectual property.

“By-Law” means a regulation passed by Council for the government of its affairs.

“Chief Administrative Officer” or “CAO” means the senior executive appointed by Council who is responsible for managing the Township.

“Clerk” means the person as appointed by Council pursuant to Section 228 of the *Municipal Act, 2001*.

“Confidential Information” means:

- a) Information in the possession of, or received in confidence by the Township, that it is prohibited from disclosing, or has decided to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act;
- b) A matter that has been debated or discussed at a meeting of Council closed to the public, unless the matter is subsequently discussed in Open Session, or it is authorized to be released by Council;
- c) Information concerning litigation, negotiation, or personnel matters; and
- d) Reports of consultants, draft documents and internal communications, which, if disclosed may prejudice the reputation of the Township, its officers and Staff, or its effective operation.

“Family Member” means:

- a) spouse, including but not limited to common-law spouse and same-sex partner;
- b) child, mother, father, sibling, grandchild, grandparent, aunt, uncle, niece or nephew;
- c) parent-in-law or sibling-in-law;
- d) step-parent, step-sibling, or step-child;
- e) parent or child in a relationship where the role of the parent has been assumed; or
- f) any person who lives with the Member on a permanent basis.

“Integrity Commissioner” means the person or persons appointed by Township Council who, among other things, is responsible for application and enforcement of this Code of Conduct, in accordance with Section 223.3 of the *Municipal Act, 2001*, as amended.

“Mayor” means the Head of Council. The Deputy Mayor acts as Head of Council in the absence of the Mayor.

“Member” means a member of Council, or member of a Council committee or board.

“Official Duties” means functions performed by Members necessary to provide responsible and accountable governance.

“Personal Information” as defined in the *Municipal Freedom of Information and Protection of Privacy Act, (MFIPPA)*, means recorded information about an identifiable individual and includes:

- a) Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
- b) Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relation to financial transactions in which the individual has been involved;

- c) Any identifying number, symbol or other particular assigned to the individual;
- d) The address, telephone number, fingerprints or blood type of the individual;
- e) Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- f) The views or opinions of another individual about the individual;
- g) The individual's name if it appears with other personal information relation to the individual or where the disclosure of the name would reveal other personal information about the individual.

"Staff" means all persons employed by the Township, including full-time, part-time, contract workers and volunteers of the Township.

"Township" means the Township of Georgian Bluffs.

## 5. Policy Requirements

### 5.1 Statutory Provisions Regulating Conduct

- a) This Code of Conduct complements the existing legislation governing the conduct of Members. The following federal and provincial legislation governs conduct:
  - i. *Municipal Act, 2001*,
  - ii. *Municipal Conflict of Interest Act*,
  - iii. *Municipal Elections Act, 1996*,
  - iv. *Municipal Freedom of Information and Protection of Privacy Act*,
  - vi. *Ontario Human Rights Code*,
  - vii. *Criminal Code of Canada*.
- b) Complaints regarding statutory matters outlined in 5.1 a), should be directed to the appropriate process or authority.
- c) Members will follow By-laws, policies and decisions of Council as adopted and amended from time to time.

### 5.2 General Principles and Values

- a) Members will respect the role of Council as set out in the *Municipal Act, 2001*.
- b) Members will support the mission, vision and values of the Township.

- c) Members will respect the decision-making process of Council by accurately communicating the decision reached by majority of Council, even if they disagree with the outcome.
- d) Members will maintain professionalism, integrity, respect, and trust.
- e) Members will promote open, accountable and transparent local government.
- f) Members will encourage public respect for the Township, its By-laws and policies.

### **5.3 Standards of Behaviour and Conduct**

#### 5.3.1 Respect and Dignity

- a) Members have a duty to treat members of the public, one another, and Staff with respect and without abuse, bullying or intimidation.
- b) Members will ensure their work environment is free from discrimination and harassment.
- c) Members will conduct themselves according to legislative requirements, including the municipal workplace harassment and violence policies.
- d) Members will observe decorum and conduct themselves as outlined in the Procedure By-law.
- e) Members will refrain from public criticism of other Members, Staff or any other person that questions their professional reputation, competence and credibility.

#### 5.3.2 Conduct Respecting Staff

- a) Members will be respectful of the fact that Staff work for the Township and are charged with making recommendations and advice based on political neutrality that reflects their professional expertise and objectivity, without undue influence from any individual Member or group of Members.
- b) Members acknowledge that only Council as a whole has the capacity to direct Staff.
- c) Members will direct any concerns respecting Staff through the Chief Administrative Officer.

- d) Members will not:
  - i. Maliciously or falsely injure the professional or ethical reputation of Staff;
  - ii. Compel Staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities; or
  - iii. Use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any Staff with the intent of interfering in Staff's duties.

#### 5.3.3 Gifts, Benefits and Hospitality

- a) Members will not accept a fee, advance, gift or personal benefit connected directly or indirectly to the performance of duties, unless permitted by law.
- b) Members will make decisions free from the influence of gifts, favours, hospitality, and entertainment.
- c) Members will decline any personal gift where the acceptance of such gift may imply a contractual agreement with or obligation to the donor.
- d) Notwithstanding a), b), and c), Members may accept tokens, mementoes, souvenirs, or such gifts or benefits up to and including a value of \$300.00 that are received as a result of the responsibilities of the office. Tokens, mementoes, souvenirs or gifts with a value greater than \$300.00 shall be the property of the Township.
- e) Exceptions outlined in Section 5.3.3 d) must be reported to the Clerk by the Member in writing. These exceptions will be reported to Council on an annual basis.
- f) Members will not seek or obtain by reason of their office any personal privilege or advantage with respect to municipal services not otherwise available to the general public and not following as a result of Official Duties.

#### 5.3.4 Use of Municipal Assets

- a) Members may only use municipal property, equipment, services or supplies of consequence for Official Duties or associated community activities, unless previously approved by Council.

- b) Members will comply with corporate policies related to the use of municipal assets, including but not limited to municipal vehicles, municipally owned computers, internet and email.
- c) Members will not seek or gain personal benefit from the use of municipally developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the Township.

#### 5.3.5 Confidentiality, Privacy and Use of Information

- a) All information, documentation or deliberations received, reviewed or taken in closed session meetings are confidential, except as otherwise directed by Council.
- b) Members will not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required by law to do so.
- c) Requests for information should be referred to the Clerk to be addressed in conformity with *MFIPPA*.
- d) Members will follow the established practices within the Township for closed session meeting materials.
- e) Members will not use information gained in the execution of their duties that is not available to the general public for any other purpose.

#### 5.3.6 Personal and Political Interests

- a) Members will not use municipal facilities, services or property for personal business gain.
- b) Members will not use the services of Staff for personal business during the hours in which the Staff are in the paid employment of the Township.
- c) Members will not use municipal resources for political purposes, including re-election, in conformity with municipal policy and in compliance with the *Municipal Elections Act*.
- d) Members will not borrow money from any person who regularly does business with the Township unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

- e) Members will not act as a paid agent before Council or its committees, agencies or boards.
- f) Members will recognize their obligations to follow and respect both the letter and the spirit of the provisions of the *Municipal Act, 2001*, as amended and the *Municipal Conflict of Interest Act*, or successor legislation.
- g) Members shall not attempt to influence any outcome or decision regarding or based on a relationship with a Family Member.

## 6. Complaints Protocol

### 6.1 Informal Complaint

Any individual who identifies or witnesses behaviour or activity by a Member that appears to be in contravention of this Code of Conduct may:

- a) Advise the Member that the behaviour or activity appears to breach the Code of Conduct;
- b) Encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity;
- c) Document the incidents including dates, times, locations, other persons present, and any other relevant information;
- d) Request CAO, Clerk or designate to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue;
- e) If applicable, confirm satisfaction with the response of the Member, or if applicable, advise the Member of dissatisfaction with the response; and
- f) Consider the need to pursue the matter in accordance with the formal complaint procedure outlined in 6.2, or in accordance with any other applicable process or complaint procedure.

### 6.2 Formal Complaint

Any individual who identifies or witnesses behaviour or an activity by a Member that that appears to be in contravention of this Code of Conduct may file a formal complaint in accordance with the following:

- a) All formal complaints shall be made through direct contact with the Township's Integrity Commissioner.

- b) Contact information is posted on the Township website, with direct link to email for the integrity Commissioner, and/or may be obtained from the Clerk's Office.
- c) The Integrity Commissioner shall establish the requirements regarding content of a formal complaint.
- d) The identity of the complainant shall be protected.

## **7. Role of the Integrity Commissioner**

### **7.1 Complaint Investigation**

If, upon receipt of a formal complaint filed under Section 6.2, the Integrity Commissioner determines that a formal investigation is required, he or she shall proceed in the following manner.

- a) The Integrity Commissioner shall provide a copy of the complaint and any supporting materials to the Member whose conduct is in question with a request that a written response to the allegation be provided to the Integrity Commissioner.
- b) If necessary, after reviewing submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials, and may enter any Township work location relevant to the complaint for the purpose of investigation and potential resolution.
- c) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any issues of interference, obstruction, delay or retaliation encountered during the investigation.
- d) At any time the complainant may abandon the request for an investigation and the Integrity Commissioner will cease his or her investigation.
- e) Upon completion of the investigation, the Integrity Commissioner will report to Council regarding his/her findings. The report of the Integrity Commissioner is public information, although the Integrity Commissioner may not disclose confidential information that could identify a person concerned (i.e. the complainant and/or witnesses).

### **7.2 Advice to Council**

- a) Members may consult with the Integrity Commissioner for advice respecting their obligations under the Code of Conduct.

- b) Where a Member discloses all known facts to the Integrity Commissioner and as long as those facts remain unchanged, the Member may rely on written advice provided by the Integrity Commissioner. The Integrity Commissioner will be bound by the advice given, as long as the facts remain unchanged, in the event that he or she is asked to investigate a complaint.
- c) Members seeking clarification who are provided advice in a general way, cannot rely on advice given by the Integrity Commissioner to the same extent as advice given in respect of specific facts. Advice that is general in nature is subject to change when applied to specific facts that may not have been known at the time the general advice was provided.

## 8. Sanctions

The Integrity Commissioner shall report to Council regarding his or her findings as a result of the investigation of a formal complaint filed under Section 6.2.

- 8.1 If Council determines that a breach has occurred under the *Municipal Act, 2001*, Council may impose the following:
  - a) a reprimand; or
  - b) suspension of the remuneration paid to the Member in respect of his or her services as a Member of Council or of the local board, as the case may be, for a period of up to 90 days.
- 8.2 Council may also require:
  - a) a written or verbal apology;
  - b) return of property or reimbursement of the property's dollar value;
  - c) removal from membership of a committee or board; and/or
  - d) removal as chair of a committee.
- 8.3 If an apology is required, the apology shall be presented at a regular open meeting of Council and shall include statements related to the occurrence, the relevant sections of the Code, and an acknowledgement of the findings.

## 9. Authority

- 9.1 Section 223.2 (1) of the *Municipal Act, 2001* authorizes the Township "to establish codes of conduct for Members of Council of the Municipality and of local boards of the Municipality."

9.2 Section 223.2 (2) of the *Municipal Act, 2001* further provides that “a by-law cannot provide that a Member who contravenes a code is guilty of an offence.”

**10. Administration & Contact**

10.1 This policy shall be administered by the Legislative Services Department. Procedures and forms may be defined, and amended from time to time, by the Clerk, to address specific implementation of the policy.

10.2 This policy will be reviewed at the beginning of each term of Council.

10.3 All questions or concerns with respect to this policy should be directed to the Clerk / Director of Legislative Services, the CAO, or the Integrity Commissioner.

**11. References and Related Policies**

COU-02-2019 – Council Staff Relationship Policy

Procedure By-law 2017-091

ADM-01-2018 – Use of Corporate Resources during an Election Policy

<p><b>Adopted By:</b> <b>By-law 2019-012</b></p>	<p><b>Date:</b> <b>2019/02/20</b></p>	<p><b>Amended by:</b></p>	<p><b>Date:</b></p>
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