

THE CORPORATION OF THE MUNICIPALITY OF CENTRAL HURON

| STATEMENT of POLICY and PROCEDURE | | | |
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| Chapter: | General Administration | SPP No. | GE 603 |
| Section: | Council | Issued: | June 4, 2013 |
| Subject: | Council Code of Conduct | Effective: | July 16, 2013 |
| Prepared by: | Clerk | Page: | 1 of 5 |
| | | Replaces: | New |
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1. PURPOSE

The public expects the highest standards of professional conduct from its elected officials. The purpose of this Code is to establish guidelines for the ethical and inter-personal conduct of the Council Members of the Municipality of Central Huron. It is acknowledged that a Member's conduct and communications are regulated by legislative Acts including the *Municipal Act*, the *Public Inquiry Act*, the *Occupational Health and Safety Act*, the *Ontario Human Rights Code*, *Freedom of Information and Protection of Privacy Act*, and the *Municipal Conflict of Interest Act*.

2. STANDARDS OF CONDUCT

Members shall uphold the law and shall at all times:

- a) Seek to advance the common good of the Municipality as a whole while conscientiously representing the communities they serve;
- b) Perform the functions of the office truly, faithfully and impartially to the best of their knowledge and ability in accordance with the following core values:
 - i. **Integrity** – giving the Municipality's interests absolute priority over private individual interests.
 - ii. **Honesty and Transparency** – being truthful and open;
 - iii. **Objectivity** – making decisions based on a careful analysis of the facts and avoidance of conflict of interest;
 - iv. **Accountability** – being accountable to the public and each other for decisions taken;
 - v. **Leadership** – confronting challenges and providing direction on the issues of the day;
 - vi. **Respect** – acting, at all times, in a respectful manner that is consistent with legal obligations under various Acts, regulations and Municipal policies;
- c) Uphold this Code as a means of promoting the standards of behaviour expected of Members and enhancing credibility and integrity of Council in the broader community.

3. MEMBER RESPONSIBILITIES

- a) **Respect For The Decision-Making Process**
All members shall accurately and adequately communicate the decisions and attitudes of Council, even if they disagree with those decisions, such that respect for the decision-making processes of Council is fostered. It is recognized that the majority decision of Council is the final decision.

b) Conflict of Interest

Members have strict obligations to avoid conflicts of interest by taking the following steps whenever a member has a direct or indirect pecuniary interest in any matter that is before Council in a meeting where the member is present:

- i. Disclose the general nature of the member's interest prior to any consideration of the matter in the meeting by declaring their Pecuniary Interest;
- ii. Refrain from participating in the discussion of the matter or in any vote on the matter;
- iii. Refrain from attempting to influence the voting on the matter or question before, during or after the meeting.

All members have important ethical and statutory obligations to adhere to the steps outlined above to ensure avoidance of any conflict of interest in connection with carrying out the obligations of the Member's office. It is expected that Members will seek independent legal advice on a specific question of individual compliance with the *Municipal Conflict of Interest Act*. The declaration of a Conflict of Interest is the sole responsibility of the Member, and it is not the responsibility of staff to advise a Member on whether he or she has a conflict. It is at the discretion of the Member whether they choose to leave the room during the discussion on the topic they have declared a conflict with. If the discussion takes place in a closed meeting, the Member must leave the room.

c) Release of Confidential Information Prohibited

All information (written or oral) received, reviewed or taken in closed session of Council and Committees shall remain confidential unless otherwise approved by motion of Council in open session.

Members shall not divulge information subject to Solicitor-Client privilege unless otherwise approved by motion of Council to do so.

Members shall not misuse confidential information (information they have knowledge of by virtue of their position as Councillor, Board or Committee Member that is not in the public domain, including emails and correspondence from other members of Council, Board or Committee Members or third parties) such that it may cause detriment to the Corporation, Council or others, or benefit or detriment to themselves or others.

d) Release of Information to Public and Media

Members acknowledge that official information related to decisions and resolutions of Council will normally be communicated to the community and the media by Council as a whole or the Mayor as Head of Council or by their designate.

e) Conduct at Meetings

Members shall conduct themselves with decorum and show respect for the Chair, colleagues, staff and members of the public during all meetings and proceedings of the Municipality. Meetings shall be conducted in a transparent and impartial manner that fosters healthy debate. Members shall conduct debates in a constructive and democratic manner.

f) Gifts and Benefits

No member shall show favouritism or bias towards any vendor, contractor or others conducting business with the municipality. Members are prohibited from accepting gifts or favours from any vendor, contractor or others doing business with the municipality personally or through a family member or friend, which could give rise to a reasonable suspicion of influence to show favour or disadvantage to any individual or organization.

Members are not precluded from accepting:

- i. Personal gifts, normal hospitality among persons doing business, benefits, rewards, commissions or advantages from any person or organization not connected directly or indirectly with the performance or duties of office;
- ii. Political contributions that are reported in accordance with applicable law;
- iii. Food and beverages at banquets, receptions, ceremonies or similar events;
- iv. Food, lodging, transportation and entertainment provided by other levels of government, boards or commissions;
- v. A reimbursement of reasonable expenses incurred in the performance of duties of office or activities connected with commissions or associations;
- vi. Token gifts that are received as a protocol or social obligation that do not exceed a value of \$100;
- vii. Prizes won by random draw or games of chance.

Members shall return any gifts or benefits that do not meet these criteria along with an explanation of why the gift or benefit cannot be accepted.

g) Use of Public Property

No Member shall request or permit the use of municipal-owned vehicles, equipment, materials or property for personal convenience or profit, except where such privileges are granted to the general public. Members shall ensure that the business of the Municipality is conducted with efficiency and shall avoid waste, abuse and extravagance in the provision or use of municipal resources. Members shall follow the Municipal travel expenses policies to minimize travel costs.

h) Council/Staff Roles and Responsibilities

Members of Council are elected legislators and representatives of their constituents. The CAO is responsible for implementing the decisions of Council and ensuring the efficient and effective operation of municipal services. All other staff are accountable to the CAO. Members of Council and staff will work cooperatively based on shared values of honesty, mutual respect and leadership and always strive for continual improvement.

Members shall be respectful of the fact that staff work for the Municipality as a corporate body and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or group of members of Council.

Members are encouraged to contact staff to answer questions, identify concerns or request services that are normally available to any Municipal resident. Members of Council shall not dictate the timing or type of service provided in response to their request. This is especially true where staff is not authorized, or do not have the resources to complete a member of Council's request for information or service.

Where a member of Council's request for information or services is outside the employee's realm of responsibility, approved plan, or available resources, the employee shall inform the member of Council and their direct supervisor or department head for an appropriate and timely response. Any requests that interfere with a department's ability to conform to workplans designed to meet Council objectives shall require a motion of Council.

Council Members shall direct any criticism of staff through the CAO and shall refrain from criticizing staff in public, at any open session of Council or Committee meeting, or to the media.

Staff shall recognize their duty of loyalty to their employer and shall refrain from criticizing Council in public or in private meetings.

i) Interpersonal Conduct and Communication

Members have an important duty to treat their colleagues, staff and members of the public appropriately and without abuse, bullying or intimidation and to ensure their work environment is free from discrimination and harassment. Members have legal responsibilities and accountabilities in relation to the tone and substance of their interpersonal interactions, conduct and communications. Members are responsible for understanding and adhering to the *Ontario Human Rights Code*.

j) Representing the Municipality

Members shall make every effort to participate diligently in the activities of the agencies, boards and commissions to which they are appointed. Members shall observe a high standard of professionalism when representing the Municipality and in their dealings with the broader community. Members shall encourage public respect for the Municipality and its staff, services, policies and bylaws.

k) Obligations to Citizens

No member shall grant any special consideration, treatment or advantage to any citizen or group of citizens beyond which is accorded to all citizens.

4. COMPLIANCE/ENFORCEMENT

Central Huron has an obligation to ensure compliance with the ethical and interpersonal conduct standards required of Members by this Code of Conduct. The Municipality shall respond to all allegations, complaints or incidents of alleged conduct inconsistent with the standards in this Code of Conduct in a manner consistent with the interests and legal obligation of the municipality.

Step 1 of Formal Complaint Process

Any individual who believes there has been a violation of the *Code of Conduct* may pursue a formal complaint.

- Formal complaints regarding the ethical conduct of a Council Member shall be submitted in writing to the Mayor.
- All complaints are treated as confidential and the complainant's name shall be kept confidential throughout the process.
- A copy of the complaint shall be immediately provided to the affected Member with a request for a written response to be forwarded to the Mayor within 30 days.

- The Mayor and CAO will initially review the submission for validity.
- Should the submission be deemed to be invalid, the complainant will be notified in writing of the decision not to go forward with any further investigation.
- Should the description of the complaint be found to be in contravention of the Code, the Mayor and CAO may decide to move the complaint formally to Step 2 of the process, or may decide that a meeting with the Member of Council is required.
- If there is a complaint regarding the Mayor, or the Mayor is unable to fulfill their duties, the Deputy Mayor will become the Mayor's designate for these duties.

If the Mayor and Deputy Mayor have a complaint brought forth with both being named, a member of Council will be appointed through a majority vote. The Mayor and Deputy Mayor will be unable to participate in this vote.

Step 2 of Formal Complaint Process

Where deemed necessary, an independent Integrity Commissioner may be retained by Council to investigate and report on the alleged misconduct of a Member. The advice of legal counsel will be sought to ensure that any investigation does not interfere or conflict with any legal proceedings.

- The Council may appoint an Integrity Commissioner under Section 223.3(1) of the *Municipal Act* to inquire and determine any alleged breach of the *Code of Conduct*.
- The formal complaint regarding the ethical conduct of a Council Member shall be submitted in writing to the Integrity Commissioner explaining the grounds for the complaint.
- The Integrity Commissioner shall conduct an independent inquiry to determine whether the Member has breached the Code of Conduct.
- The Integrity Commissioner shall prepare a written report for Council. If a breach has been substantiated, the Report shall recommend the penalty (within the parameters defined in the *Municipal Act*).
- Penalties may include: a written reprimand; suspension of remuneration paid to a Member with respect to services up to 90 days; or, censure including removal from appointed Committees, Boards and/or liaison roles.

It is acknowledged that access to this Informal and/or Formal Complaint Process is only one means of redress to serious concerns regarding prohibited activities. All individuals have the ability to advance their concerns to the Ontario Human Rights Tribunal, the judicial system, or other appropriate administrative tribunals.

In cases where the liability has been denied and the misconduct is of a serious nature, Council may pass a resolution pursuant to Section 274(1) of the *Municipal Act* requesting a judicial investigation into the Member's conduct.