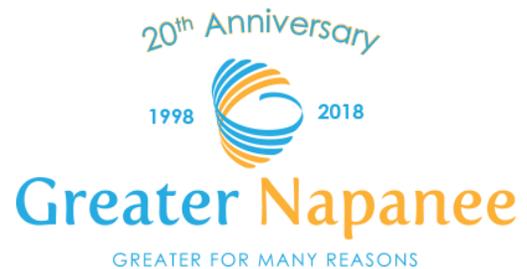


Town of Greater Napanee Code of Conduct for Council and Local Boards



Adopted: May 22, 2018

Introduction

This Code of Conduct is made in accordance with Section 223.2 of the Municipal Act which states that a municipality shall establish codes of conduct for members of the council of the municipality and of its local boards by March 1, 2019.

This Code of Conduct operates with and as a supplement to existing federal and provincial statutes and municipal by-laws including, but not limited to:

- Criminal Code of Canada
- Municipal Act
- Municipal Conflict of Interest Act
- Municipal Elections Act
- Municipal Freedom of Information and Protection of Privacy Act
- Ontario Human Rights Code
- Town of Greater Napanee By-laws and Policies

Section 1: Policy Purpose:

- 1.1 The Council Code of Conduct sets out and identifies the Town of Greater Napanee's expectations for its Members of Council and its local board and establishes rules for appropriate conduct.
- 1.2 The purpose of a Code of Conduct Policy is to:
 - i. To set out clear expectations of the behaviour of members of Council and local boards;
 - ii. To provide information to the public as to the behaviour they can expect
 - iii. from their Council and local boards;
 - iv. To provide guidance to members of Council and local boards in the conduct of their duties as elected officials; and
 - v. To provide a mechanism for responding to alleged breaches of the Code.

Section 2: Application

- 2.1 This Council Code of Conduct applies to all Members of Council and local boards for the Town of Greater Napanee. The Code of Conduct helps to ensure that the Members of Council and local boards share a common basis for acceptable conduct.

Section 3: Definitions

3.1 In this Code of Conduct, the specified terms are as follows:

“Conflict of Interest” means that the Member’s impartiality in deciding to exercise an official power or perform an official duty or function may be affected by his/her private interest;

“Code of Conduct” means the Town of Greater Napanee’s Council Code of Conduct as it applies to members of the Town of Greater Napanee Council and of its local boards.

“Complaint” means an alleged contravention of the Code of Conduct.

“Confidential Information” means information in the possession of, or received in confidence by the Town that the Town is either prohibited from disclosing, or may refuse to disclose, pursuant to the Municipal Freedom of Information and Protection of Privacy Act (“MFIPPA”) or other legislation and in the latter case where disclosure while discretionary will harm the interests of the Town or third parties including information presented in a closed meeting of Council.

“Council/Member of Council” means the Council of the Town of Greater Napanee.

“Gift” means anything that is provided to and retained by a Member, that could be seen to be connected directly or indirectly to the performance of the Member’s duties.

“Harassment” involves engaging in a course of vexatious comment or conduct against another person, member of Council or staff, whether it occurs inside or outside the work environment, that is known or ought reasonably to be known to be unwelcome or sexual harassment.

“Family Member” shall mean a parent, spouse, child, sibling, in-laws as well as step-relationships and half-relationships;

“Integrity Commissioner” is an unbiased individual who is appointed by and reports to Council, and who is responsible for performing in an independent manner the functions assigned by the Town with respect to,

- (a) the application of the code of conduct for members of council and the code of conduct for members of local boards or of either of them;
- (b) the application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards or of either of them; or
- (c) both of clauses (a) and (b). Municipal Act, Section 223.3(1)

and shall be appointed by Council not later than March 1, 2019.

“Local Boards” means the Town’s Committee of Adjustment or the Napanee Business Improvement Area (BIA)

“Meeting” means any regular, special or other meeting of a council, where,

- (a) a quorum of members is present, and
- (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee, as defined in the Municipal Act.

“Member” means a member of Council of the Town of Greater Napanee.

“Office” means the authority and duties attached to the position of being an elected Member of Council.

“Official Duties” means the public duties of a Member of Council or local boards done in his/her role for reason of providing good government with respect to those matters.

“Personal Benefit” means an advantage, other than financial, such as seeking an appointment, promotion or transfer within the Town on behalf of a family member, and includes the private interests of a Member.

“Social Media” means web based applications and online platforms that allow users to interact, share and publish content such as text, links, photos, audio and video with the public;

“Town Staff/Employees” means direct employees of the Town of Greater Napanee, whether full-time, part-time, contract (including employees of companies contracted by the Town) or casual (including students and volunteers);

“Town Property” means items, services, facilities, lands, resources which belong to the Town, including the Town’s official web site and social media accounts.

“Town” means The Corporation of the Town of Greater Napanee.

Section 4: Responsibilities

4.1 Every Member of Council shall observe and comply with every provision of this Code of Conduct, as well as all applicable legislation and other policies and procedures adopted or established by Council, and shall not knowingly disregard the terms of by-laws enacted by Council.

4.2 As a Member of Council or local board, one must:

- i. Conduct themselves with the highest degree of ethical behaviour and integrity;
- ii. Avoid conflict of interest;
- iii. Not make statements known to be false or make a statement with the intent to mislead Council or the public;
- iv. Make their best attempts to attend Council meetings and be on time. When a Member cannot attend a meeting, they shall contact the Mayor and CAO or Clerk in advance.

- v. Not use the influence of office for any purpose other than the exercise of official duties;
- vi. Accurately communicate the decisions of Council; and
- vii. Ensure the public has input and receives notice regarding Council's decision-making processes in accordance with the Procedure By-law.

Section 5: Gifts, Benefits and Hospitality

5.1 Members of Council shall not accept any gifts, benefits or hospitality which could create, or be seen to create, any obligation or special consideration to an individual or business. When in doubt of what is acceptable in terms of gifts, benefits or hospitality, the offer should be declined.

Section 6: Use of Municipal Information

6.1 No member shall:

- (i) use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties.
- (ii) disclose or release by any means to any member of the public, any confidential information acquired by virtue of his or her office, either oral or written, except when required by law and authorized by Council to do so.
- (iii) use confidential information for personal or private advantage or gain or, for the gain of relatives or any person or corporation (other than the Town).
- (iv) access or attempt to gain access to confidential information in the custody or under the control of the Town unless it is necessary for the performance of his or her duties.

6.2 Requests for information should be referred to the office of the Clerk to be addressed as a formal request under the Municipal Freedom of Information and Protection of Privacy Act.

Section 7: Use of Town Property and Services

7.1 No Member of Council or local board shall:

- i. use any municipal property, equipment, services and/or supplies other than for purposes connected with the discharge of his or her municipal duties or associated community activities of which Council has been advised and has approved; or
- ii. obtain financial gain from the use of municipally developed intellectual property, computer programs, technological innovations or other patentable items.

Section 8: Improper Use of Influence

8.1 No Member shall use the influence of his/her office for any purpose other than for the exercise of his/her official duties.

Section 9: Business Relations

9.1 No Member of Council or of Local Board shall:

- i. allow the prospect of his/her future employment by a person or entity to affect the performance of his/her duties to the Town, detrimentally or otherwise;
- ii. borrow money from any person who regularly does business with the Town unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money, such as a credit union; or
- iii. act as a paid agent before Council or local board.

Section 10: Conduct of Council at Meetings of Town Committees or Local Boards

10.1 Members of Council and of Local Boards shall:

- i. conduct themselves in accordance with the provisions of the Town's Procedure By-Law, show courtesy and respect to delegations, fellow members and staff, and not distract from the business of the Town during presentations and when other members have the floor.
- ii. set all handheld electronic devices to silent or off, and shall not use electronic equipment in a manner which interrupts the proceedings of Council and local boards;
- iii. not engage in private conversations during a Council or local board meeting in a manner which interrupts the proceedings of the Council or local board.

Section 11: Respect in the Workplace

11.1 Members of Council are governed by the Town's Violence and Harassment in the Workplace policy. All Members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment.

11.2 Members of Council and local boards shall not:

- i. make inappropriate comments or gestures to or about an individual where such conduct is offensive to the person(s) to whom they are directed or are about;
- ii. Display materials or transmit communications that are inappropriate, offensive, insulting or derogatory;
- iii. Make threats or engage in any abusive activity or course of conduct towards others;
- iv. Vandalize the personal property of others; or
- v. Commit assault of any kind, including making unwanted physical contact.

11.3 All complaints received involving Members of Council under the Workplace Violence and Harassment policy shall be addressed as per the policy.

Section 12: Council Staff Relationships

The role of Council is to lead through setting policy and budget. It is not to manage or administer.

- 12.1 Only Council as a whole has authority to approve budgets, policies, committee processes and other matters. No Member shall individually direct the actions of staff, except as authorized by Council.
- 12.2 All members shall have respect for the professional capacities of the Town staff. No member shall maliciously or falsely injure the professional or ethical reputation, or practices of staff.
- 12.3 No Member of Council or local board shall use, or attempt to use, his/her authority for the means of intimidating, threatening, coercing, commanding or influencing any Town staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.
- 12.4 Town staff shall treat all members of Council and local boards with professionalism and courtesy, and must not favour, nor be seen to favour, the interests of one Councillor over the interests of Council.
- 12.5 Inquiries of Town staff from Members of Council and Local Boards should be directed to the Chief Administrative Officer or the appropriate member of the Senior Management Team. Where inquiries have been delegated to a member of the Senior Management Team, they may further delegate to the appropriate Supervisor/Manager for a response.

Section 13: Employment of Council Family Members

- 13.1 No Member of Council or local board shall:
 - i. attempt to influence any Town staff to hire or promote a Family Member;
 - ii. permit a Family Member to apply for employment with the Town; or
 - iii. extend in the discharge of their official duties, preferential treatment to Family Members, organizations or groups in which they or their Family Members have a direct or indirect pecuniary interest.

Section 14: Conflict of Interest

- 14.1 No member of council shall discharge any official duty or participate in any meeting of council or its committees where he/he has a real or apparent conflict of interest.

14.2 Process for Disclosure of Conflict of Interest

When a conflict of interest exists, as per Municipal Conflict of Interest Act, R.S.O. 1990, C.M.50, as amended, Members of Council or local boards shall, when present at a meeting at which the matter is considered, shall do the following:

- i. Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,
 - (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
 - (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
 - (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
 - (d) shall leave the meeting or the part of the meeting during which the matter is under consideration.

14.3 Written Statement of Disclosure

- i. Effective March 1, 2019, at a meeting at which a member discloses an interest under section 5, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the Town Clerk or the secretary of the committee or local board, as applicable.

Section 15: Communications and Media Relations

- i. All communications shall be handled in a courteous and respectful manner;
- ii. An objective and impartial attitude shall be maintained in dealing with all citizens as they have a right to present their views;
- iii. As Head of Council, the Mayor or a designate shall communicate official information related to Council decisions to the community and the media;
- iv. Members of Council and local boards shall accurately communicate information concerning the adoption of policies, procedures and decisions of Council, even if they disagree with a majority decision of Council or the local board;
- v. Confidential information will be communicated only when and after determined by Council;
- vi. When communicating with the media, a Member should refrain from speculating or reflecting upon the motives of other Members in respect of their actions as a Member of Council.

Section 16: Social Media

16.1 A Member of Council or local board shall:

- i. adhere to the Town's Social Media policy;
- ii. refrain from making disparaging comments about other Members of Council, local boards or Town staff or about Council's processes and decisions on social media;
- iii. not post on any social media site or any other internet site, any confidential information from Council or local board.

Section 17: Process for Making a Complaint

17.1 If an individual believes that a Member of Council has breached the Code of Conduct or is in non-compliance, there are two options:

i. Informal Approach

- (a) Advise the Member of Council or local board that the behaviour or activity contravenes the Code of Conduct;
- (b) Encourage the Member to stop the prohibited behaviour or activity;
- (c) Keep a written record of the incidents including dates, times, locations, other persons present and any other relevant information;
- (d) Tell someone else (for example, a senior staff member) about concerns, comments to the Member and the response of the Member; or
- (e) Consider the need to pursue the matter in accordance with the formal complaint procedure, if applicable, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.
- (f) All complaints will be considered informal unless a complaint form is filed and remitted to the Town detailing the concern or issue.

ii. Procedure to Submit a Formal Complaint to the Integrity Commissioner:

- (a) Council Members, employees or members of the public may submit complaints to the Integrity Commissioner relating to compliance with the Code of Conduct for Members of Council.
- (b) All complaints will be treated as confidential.
- (c) Complaints shall be submitted on the established formal Code of Conduct Complaint Form (see attached Code of Conduct Complaint Form).
- (d) The formal Code of Conduct Complaint Form is available on the Town website or from the Clerk's office.
- (e) All complaints must contain the following information:
 - a. Complainant's name, mailing address, telephone number and e-mail address (if applicable);
 - b. Nature and background of the complaint;

- c. Any activities undertaken (if any) to resolve the concern;
- d. Any other relevant information;
- e. Original Signature;
- (f) Upon receipt of a completed Code of Conduct Complaint Form, the Clerk shall prepare a package to be forwarded to the Integrity Commissioner that will include the following:
 - a. The Code of Conduct Complaint Form;
 - b. A certified true copy of the Code of Conduct for Members of Council and Local Boards; and
 - c. Any other information or documentation supplied by the complainant that is deemed relevant. The information package shall be forwarded to the Integrity Commissioner in hard copy format by courier, electronic or regular mail, whichever is deemed appropriate.

Section 18: Investigation of an Alleged Breach of the Code of Conduct

18.1 (a) The Integrity Commissioner for the Town, as appointed pursuant to 223.3 (1) of the Municipal Act, is responsible for the conduct of investigations of breaches of this Code. Complaints about and investigations of allegations of Code breaches or violations shall be conducted in accordance with the procedure as enacted by Town by-law.

(b) In all cases, the Integrity Commissioner shall first do an initial assessment in order to determine whether or not to proceed with an investigation.

Section 19: Decisions Reported to Council and Options for Remedial Action

19.1 Where a breach has been found, recommendations and options for remedial actions will be submitted to Council during a public meeting. The original signed complaint and the final report shall be retained in the Clerk's archives.

Section 20: Penalties for a Breach of the Code of Conduct

20.1 The Council of the Town of Greater Napanee may impose penalties with regards to the alleged contraventions of this Code of Conduct. Penalties may include, but are not limited to:

- Public reprimands or public apologies;
- Expulsion from one or more meetings, for up to 90 days;
- Removal from appointments or chair positions;
- Suspension of the remuneration paid to the member for up to 90 days;
- Any combination of the above.

20.2 No Member shall threaten or undertake any active reprisal against a person initiating an inquiry or complaint under the Code of Conduct, or against a person who provides information to the Integrity Commissioner in any investigation. It is a violation of the Code of Conduct to destroy documents or erase electronic communications or refuse to

respond to the Integrity Commissioner where a formal complaint has been lodged under the Code of Conduct.

Section 21: Interpretation

21.1 If any clarification is required of this Code of Conduct, an individual shall consult with the Chief Administrative Officer.

Section 22: Attestation

22.1 Upon the adoption of this Code of Conduct and thereafter at the beginning of each term, Members of Council and local boards will be expected to sign two copies of the Code of Conduct (one for themselves and one for the Clerk's Office) to convey to each other and all stakeholders that they have read, understood and accept it.

Section 23: Conflicts with Other Policies or By-laws

23.1 Where a conflict exists between this Code of Conduct and another policy or by-law, the more restrictive shall prevail.

Section 24: Review of this Code of Conduct

24.1 The Code of Conduct will be brought forward for review during each term of Council, when relevant legislation is amended, and as appropriate to ensure that it remains current and continues to be a useful guide to Members of Council.