

**CORPORATION OF THE TOWNSHIP OF
KILLALOE, HAGARTY AND RICHARDS**

BY-LAW NO. 20-2008

Being a By-Law to Establish a Code of Conduct for members of the Municipal Council for the Municipal Corporation of the Township of Killaloe, Hagarty and Richards.

WHEREAS Section 11 of the Municipal Act, S.O. 2001, as amended, authorized municipalities to pass by-laws regarding Accountability and Transparency of the municipality and its operations and of its local boards and their operations; and

WHEREAS Section 223.2(1) of the Municipal Act, S.O. 2001, as amended, authorizes municipalities to establish codes of conduct for members of the council of the municipality and of local boards of the municipality; and

WHEREAS the Council for the Corporation of the Township of Killaloe, Hagarty and Richards deems it expedient to establish a Code of Conduct for council;

NOW THEREFORE BE IT RESOLVED THAT:

1. Council does hereby adopt the Code of Conduct attached hereto as Schedule "A", and forming part of this by-law.
2. This by-law shall come into force and take effect upon the date of final passing thereof.

Read a first and second time this day of , 2008.

Read a third time and finally passed this day of , 2008.

Mayor

CAO/Clerk-Treasurer

SCHEDULE "A" TO BY-LAW 20-2008

Code of Conduct for

Members of Council for the Municipal Corporation of the Township of Killaloe, Hagarty and Richards.

COUNCIL TEAM VISION:

The Municipality of Killaloe, Hagarty and Richards serves the community through the provision of effective, responsible and visionary leadership. The Council shall:

- focus on achieving a common vision and goals for the municipality;
- make sound, effective and timely decisions based upon objective data and open debate of issues;
- develop and maintain a climate where integrity, mutual support, trust and professionalism are valued;
- utilize the diverse knowledge, expertise and talents of all council members to optimal advantage;
- conduct its activities in an orderly, professional and businesslike manner;
- benefit from strong and effective leadership from the Mayor and individual council members;
- value congeniality, teamwork and a sense of humour;
- enjoy the benefits of effective communication and open sharing of information among its members;
- balance effective diverse values, aspirations and competing interests within the community; and
- work effectively in partnership with a capable executive and staff to provide excellent service to residents and ratepayers.

A. PURPOSE OF THE CODE OF CONDUCT:

The Code of Conduct sets minimum standards for the behaviour of Council members when carrying out their functions on behalf of the municipality. It has been developed to assist council members to:

1. Understand the standards of conduct that are expected of them and the law that applies in relation to these standards;
2. Fulfill their duty to act honestly and exercise reasonable care and diligence;
3. Act in a way that enhances public confidence in local government; and
4. Identify and resolve situations which might involve a conflict of interest or a potential misuse of position and authority.

B. STANDARDS OF CONDUCT:

1. Members of Council shall at all times seek to advance the common good of the community which they serve.
2. Members of Council shall truly, faithfully and impartially exercise the office to which they have been elected or appointed, to the best of their knowledge and ability.
3. Members of Council shall refrain from behaviour that could constitute an act of disorder or misbehaviour. Specifically Council officials shall refrain from conduct that:

- i) Contravenes Federal or Provincial statutes or legislation, the Municipal Act, Municipal by-laws, associated regulations, and the Municipality's Code of Conduct.
- ii) Is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others.
- iii) Prejudices the provision of a service or services to the community.

C. CONDUCT TO BE OBSERVED:

1. Release of Confidential Information:

Members of Council have a duty to hold in strict confidence all information concerning matters dealt with at *in camera* meetings, or that is determined to be confidential by the Clerk or as specifically declared by Council. A member of council shall not, either directly or indirectly, release, make public, or in any way divulge any such information or any aspect of the *in camera* deliberations to anyone, unless expressly authorized by council or required by law to do so.

- a) Members of Council shall not release information in contravention of the provisions of the Municipal Freedom of Information and Protection of Privacy Act.
- b) Members of Council shall not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law to do so.
- c) Members of Council shall not misuse confidential information (information that they have knowledge of by virtue of their position as Councillor that is not in the public domain, including e-mails and correspondence from other members of council or third parties) such that it may cause detriment to the Corporation, Council or others, or benefit or detriment to themselves or others.

2. Foster Respect for Decision-making Process:

All members of council shall accurately and adequately communicate the attitudes of the council, even if they disagree with council's decision, such that respect for the decision-making process of council is fostered.

3. Communications and Media Relations:

Members of council acknowledge that official information related to decisions and resolutions made by council will normally be communicated to the community and the media by the council as a whole or the Mayor as Head of Council or by those so designated.

4. Gifts and Benefits:

Members of Council shall comply with the Municipal Conflict of Interest Act and must not accept a gift or personal benefit that is connected with their performance of the duties of their office. This does not include gifts or personal benefits received as a matter of the protocol or social obligations that normally accompany the responsibility of office. Council acknowledges that the Head of Council will, in his/her role, periodically receive and distribute ceremonial or other similar items.

5. Engaging in Incompatible Activity:

Members of council shall not engage in any activity, financial or otherwise, which is incompatible with the ethical discharge of their official duties in the public interest.

Without limiting the generality of the foregoing, members of council shall not:

- a) use any influence of office for any purpose other than official duties;
- b) act as an agent before council or any committee, board or commission of council;
- c) solicit, demand or accept the services of any corporation, employee, or individual providing services to the municipality at a time in which said person or corporation is being paid by the municipality;
- d) use any information gained in the execution of office that is not available to the general public for any purpose other than for official duties;
- e) place themselves in a position of obligation to any person or organization which might benefit from special consideration or may seek preferential treatment;
- f) give preferential treatment to any person or organization in which a member or members of council have a financial interest;
- g) influence any administrative or council decision or decision-making process involving or affecting any person or organization in which a member or members of council have a financial interest; and
- h) use corporate materials, equipment, facilities or employees for personal gain or for any private purpose.

6. Conflict of Interest:

It is the responsibility of individual councillors to ensure that they are aware and trained in the application of the Municipal Conflict of Interest Act. The onus is on the councillor to identify a conflict of interest, and they shall take the appropriate action to identify the existence of a conflict in favour of his/her public duty.

- a) A conflict exists when an individual is, or could be, influenced, or appear to be influenced by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgement, close mindedness or undue influence.
- b) Council members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their public or professional duties in accordance with statutory requirements. When considering whether or not a conflict exists, it is important to consider whether there are any grounds for a *reasonable person* to think that a conflict exists.

Recognizing that it is impossible to anticipate all possible conflicts that may arise during a member's term of office, and that those conflicts may not be only pecuniary in nature, it is generally advisable to be as open as possible. It is not enough that a conflict not exist, it must also be seen by taxpayers not to exist.

D. INTERPERSONAL BEHAVIOUR OF MEMBERS OF COUNCIL:

1. 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, corporate employees, individuals providing services on a contract for service

basis, students on placements, 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.

2. 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, religious affiliation or faith, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability. "Age", "disability", "family status", "record of offences", "same sex partnership status" shall be as defined in the Human Rights Code.

3. Not to engage in Harassment or Bullying (Psychological 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 to be known, to be unwelcome. Bullying is the ongoing health or career-endangering mistreatment of an employee, by one or more of their peers or supervisors. Unlikely to involve physical violence, it usually takes the form of psychological abuse. Often, verbal and strategic insults are intended to prevent targets from being successful in their job.

The exercise of performance management tools with respect to corporate employees for legitimate purposes by council, is not harassment or bullying.

4. Protection of Privacy:

Councillors 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 or individuals that breach a persons privacy is deemed to be a contravention of this Code of Conduct.

E. PROFESSIONAL DEVELOPMENT:

Members of council shall promote and participate in opportunities for professional development. Council members are required to stay updated on issues and trends so that they can be as efficient and effective as possible in the carrying out of their duties and responsibilities.