



The Corporation of

The Township of Brock

In The Regional Municipality of Durham

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Schedule “A” to By-law Number 2843-2019-AP

Code of Conduct for Municipal Councillors 2019

Post Bill 68 Proclamation

1.0 Introduction

Section 223.2 of the Municipal Act, S.O. 2001, as amended, requires municipalities to establish, by by-law, a Code of Conduct for the members of Council of the municipality and of local boards of the municipality. In addition, the Act provides the opportunity for the municipality to appoint an Integrity Commissioner to investigate and report on alleged breaches of the Code of Conduct. The Township of Brock, by By-law Number 2715-2017-AP, appointed Guy W. Giorno as its Integrity Commissioner in conjunction with the Regional Municipality of Durham.

2.0 Role of Integrity Commissioner

The Integrity Commissioner, who reports directly to Council, is responsible for performing in an independent manner the following functions:

- The application of the Code of Conduct for members of Council and local boards;
- The application of any procedures, rules, and policies of the municipality and local boards governing the ethical behaviour of members of Council and local boards;
- Compliance with the requirements of the Municipal Conflict of Interest Act with respect to declaring a conflict of interest, leaving a closed meeting where a member has a conflict of interest, filing a written statement of the interest with the Clerk, and not using any influence where a matter is being considered by an officer or employee of the municipality or local board;
- Requests from members of Council and local boards for advice respecting their obligations under the Code of Conduct applicable to the member;
- Requests from members of Council or local boards for advice respecting their obligations under a procedure, rule, or policy of the municipality or local board governing the ethical behaviour of members;
- Requests from members of Council or local boards for advice respecting their obligations under the Municipal Conflict of Interest Act; and,
- The provision of educational information to members of Council, members of local boards, the municipality and the public about the applicable Codes of Conduct.

Written Requests to Integrity Commissioner

Requests from members of Council and local boards for advice from the Integrity Commissioner shall be in writing and responses from the Integrity Commissioner shall also be in writing. In addition, advice provided by the Integrity Commissioner may be released with the member's consent. Should the Integrity Commissioner provide educational advice to the public, it may be summarized but shall not disclose confidential information that could identify a person concerned.

Any written advice given by the Integrity Commissioner to a member of Council or local board binds the Integrity Commissioner in any subsequent consideration of the conduct of the member of Council or local board in the same manner as long as the relevant facts known to the member of Council or local board were disclosed to the Integrity Commissioner.

Indemnity

The municipality shall indemnify and save harmless the Integrity Commissioner for costs reasonably incurred in connection with a defence of a proceeding if the proceeding relates to an act done in good faith or authority.

Timing for Inquiries & Reports

Should an inquiry not be completed before Nomination Day for a regular election, the Integrity Commissioner shall terminate the inquiry on that day and shall not commence another inquiry in respect of the matter unless, within six (6) weeks after Voting Day, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request.

Between Nomination Day and Voting Day in a regular election:

- There shall be no requests for an inquiry on whether a member of Council or local board has contravened the Code of Conduct;
- The Integrity Commissioner shall not report to the municipality on whether a member of Council or local board has contravened the Code of Conduct; and,
- The municipality or local board shall not consider whether to impose penalties on a member of Council or local board.

3.0 Purpose of Code of Conduct

The purpose of this Code of Conduct is to establish a minimum standard for the behaviour of Councillors in fulfilling their mandate while respecting each Councillor's role to represent the public and the public interest to the best of their ability.

4.0 Council/Committee Meeting Conduct

Members of Council shall have regard and follow the rules of conduct contained within the municipality's procedural by-law and specifically, members of Council shall not:

- Speak disrespectfully of the reigning sovereign, any member of the Royal family, the Governor General, the Lieutenant-Governor, the head of the Government of Canada or of the Province of Ontario;
- Use offensive words or unparliamentary words or expressions; and,
- Disobey the rules of the Council or decision of the Chair or of the Council on questions of order or practice or upon the interpretation of the rules of Council.

5.0 Confidential Information

Members of Council have a duty to hold in strict confidence all information concerning matters dealt with at in-camera meetings, as authorized by the Municipal Act, or that is determined to be confidential by the CAO & Municipal 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 such information to anyone, unless specifically authorized by Council or as required by law to do so.

Specifically, members of Council shall not:

- Release any information in contravention of the provision of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, as amended;
- Release any information which is subject to solicitor-client privilege, unless specifically authorized by Council or as required by law to do so;
- Misuse confidential information acquired by virtue of their position as an elected member that could cause a benefit or detriment to the Corporation, members of Council, staff, and the public.

6.0 Use of Personal Websites/Social Media & Printed Communications

The Township of Brock respects and encourages members of Council to take advantage of various methods of communication inclusive of printed material, electronic, and web-based platforms (i.e. Facebook, Twitter, You-Tube, Flickr) to maintain communication with ratepayers with whom they represent. It is the duty of a member of Council to serve the best interests of the Corporation as opposed to an individual. Accordingly, while Councillor communications, printed or otherwise, is not the property of the Township of Brock, if Councillors are representing themselves as a Councillor, it is appropriate that the following standards be in effect to maintain integrity as a spokesperson of the Corporation:

- Access to municipal documents (agendas, minutes, by-laws, staff reports) shall be referred to the Township of Brock and/or its Website, as this website remains the principal means of electronic communication from the municipality on the world wide web;
- Inappropriate content shall not be posted on an individual website/social media outlet which shall include the following:
 - Disclosure of confidential information (either through in-camera meetings or oral/written communications from other members of Council and staff);
 - Discriminatory language including discriminatory, derogatory portrayal of individuals or groups, demeaning language, or anything that could be deemed inappropriate;
 - Personal opinions or comments of Township staff or other elected officials (individually or collectively);
 - Commercial endorsements or solicitations;
 - Promotion of illegal activities;
 - Information which may compromise the safety and security of the public, public systems, members of Council, and staff;
 - Content that violates a legal ownership interest of any other party; and,
 - Statements that could be interpreted as slanderous or libelous.

7.0 Gifts

No member of Council shall accept, directly or indirectly, from any person, company, firm or corporation a gift or personal benefit if it can be inferred that the gift was intended to influence the member in the performance of their duties as an elected member or that the gift was intended as a reward for any official action on the member's part.

Notwithstanding the above, gifts of a very small intrinsic value; gifts given for the use and benefit of the Corporation; and moderate hospitality during the normal course of business that would not significantly exceed what the Corporation would likely provide in return and would not be perceived by others as influencing the making of a business decision may be accepted. Members of Council shall exercise discretion in this regard and shall also recognize those gifts to the municipality which may be accepted by the member.

8.0 Procurement of Goods & Services

No member of Council shall make personal purchases through the Corporation and all purchases made by the Corporation to assist the members of Council in the fulfillment of their duties (stationary, etc) shall be in accordance with the municipality's procurement by-law. Members of Council shall declare any conflict of interest with respect to the procurement of goods and services and shall refrain from the procurement process to which the conflict of interest relates.

9.0 Conflict of Interest

Members of Council shall be responsible to ensure that they are familiar with the application of the Municipal Conflict of Interest Act, R.S.O. 1990, as amended. It shall be the responsibility of each member of Council, not staff, to determine whether they have a direct or indirect pecuniary interest with respect to matters arising before Council.

A member with a direct or indirect pecuniary interest, who is at a meeting where the matter in which the member has a pecuniary interest must:

- Disclose the interest and the general nature of the conflict;
- Submit a written statement of the interest and its general nature with the Clerk or secretary;
- Not take part in the discussion or vote on the matter;
- Not attempt to influence the vote, before, during, or after the meeting;
- Leave the meeting while the matter is being discussed (only if the meeting is in camera); and,
- If absent from a meeting where a member's pecuniary interest is considered, disclose the interest at the next meeting attended by that member.

A member may take part in discussions, including making submissions, and may attempt to influence the voting on any question on whether to suspend the member's remuneration (whether held at an open or in-camera meeting) provided the member does not vote on the question as a result of the consideration of an Integrity Commissioner's report recommending sanctions against a member for a violation of the Code of Conduct.

A member of Council does not have a pecuniary interest in respect of the following:

- a) as a user of any public utility service supplied to the member by the municipality or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members;

- b) by reason of the member being entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other such benefit offered by the municipality or local board;
- c) by reason of the member purchasing or owning a debenture of the municipality or local board;
- d) by reason of the member having made a deposit with the municipality or local board, the whole or part of which is or may be returnable to the member in like manner as such a deposit is or may be returnable to all other electors;
- e) by reason of having an interest in any property affected by a work under the *Drainage Act* or by a work under a regulation made under Part XII of the *Municipal Act, 2001*, as the case may be, relating to local improvements;
- f) by reason of having an interest in farm lands that are exempted from taxation for certain expenditures under the *Assessment Act*;
- g) by reason of the member being eligible for election or appointment to fill a vacancy, office or position in the council or local board when the council or local board is empowered or required by any general or special Act to fill such vacancy, office or position;
- h) by reason only of the member being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board or by reason only of the member being a member of a board, commission, or other body as an appointee of a council or local board;
- i) in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which the member may be entitled by reason of being a member or as a member of a volunteer fire brigade, as the case may be;
- j) by reason of the member having a pecuniary interest which is an interest in common with electors generally; or
- k) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member.

10.0 Municipal Conflict of Interest Act Inquiries to Integrity Commissioner

An elector, or a person acting in the public interest may apply, in writing to the Integrity Commissioner for an inquiry to be conducted concerning an alleged allegation of a conflict of interest by a member of Council or local board within six (6) weeks after the applicant becomes aware of the alleged contravention. No application may be made between Nomination Day and Voting Day in the year of a regular election.

An application may be made more than six (6) weeks in the following circumstances:

- The applicant became aware of the alleged allegation within the period of time commencing six weeks prior to Nomination Day and ending on Voting Day; and,
- The applicant applies to the Integrity Commissioner within six (6) weeks after Voting Day in a regular election.

Applications of this nature shall set out the reasons for the alleged allegation together with a statutory declaration attesting to the fact that the applicant became aware of the matter within the required time frame.

If the Integrity Commissioner proceeds with an inquiry, they shall conduct such inquiry as they consider necessary and may have a public meeting to discuss the inquiry. The municipality and its local boards shall give the Integrity Commissioner such information as is necessary to conduct the inquiry and shall have free access to the following: books, accounts, financial records, electronic data processing records, reports, and files as considered necessary.

Should an inquiry not be completed before Nomination Day for a regular election, the Integrity Commissioner shall terminate the inquiry on that day and shall not commence another inquiry in respect of the matter unless, within six (6) weeks after Voting Day, the person or entity who made the request makes a written request.

An inquiry shall be completed within 180 days after receiving the completed application unless the inquiry is terminated.

Upon completion of an inquiry, the Integrity Commissioner may, if considered appropriate, apply to a judge for a determination as to whether the provisions of the Municipal Conflict of Interest Act have been violated and shall advise the member if an application will not be made and shall publish written reasons for the decision. The cost of making an application to a judge shall be borne by the municipality or local board as the case may be.

11.0 Incompatible Activity

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

Specifically, members of Council shall not:

- Use any influence of their office for any purpose other than for their official duties;
- Act as an agent before Council or any committee, board, or commission of Council;
- 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;
- Use any information gained in the execution of their office that is not available to the general public for any purpose other than for their official duties;
- Place themselves in a position of obligation to any person or organization which might benefit from special consideration or may seek preferential treatment;
- Give preferential treatment to any person or organization in which a member or

- members of Council have a financial interest;
- 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,
- Use corporate materials, equipment, facilities, or employees for personal gain or for any private purpose.

12.0 Election Campaigns/Use of Corporate Resources

The Municipal Elections Act, S.O. 1996, as amended, prohibits a municipality from making a contribution to a candidate. The Act also prohibits the candidate, or someone acting on the candidate's behalf, from accepting a contribution from a person who is not entitled to make a contribution. Since contributions may take the form of money, goods, or services, any use by a member of Council of the municipality's resources for his/her election campaign would be viewed as a contribution and, therefore, a violation of the Act. Information made available to the public on the municipality's website does not constitute a contribution to a candidate. This information may include the phone number and email address provided by the candidate on their nomination form, as well as a hyperlink to the candidate's website.

Members of Council shall not:

- Use corporate resources (including business cards, Township letterhead, etc.) and funding for election-related purposes;
- Enlist the use of staff to work in support of a municipal candidate in order to preserve the integrity of the Council/staff relationship;
- Use a constituency office or any municipally-provided facilities for election-related purposes, which includes the display of any campaign related signs in a window or on the premises, as well as displaying any election-related material in the office;
- Print or distribute any material paid for by the municipality that illustrates that a member of Council or any other individual is registered in any election or where they will be running for office;
- Profile, or make reference to, in any material paid by the municipality, any individual who is registered as a candidate in any election;
- Print or distribute any material using municipal funds that makes reference to, or contains the names or photographs, or identifies registered candidates for municipal elections; minutes of Council and/or Committee meetings being exempt;
- Use the municipality's voicemail system to record election-related messages; and,
- Use the municipality's coat of arms, crest, logo, or tag-line.

The following shall be discontinued for the members of Council from the day prior to Nomination Day in a municipal election year to Election Day:

- All forms of advertising, including municipal publications, paid for by the municipality;
- All printing, photocopying and distribution, including printing and general

- distribution of newsletters unless so directed and approved by Council; and,
- The ordering of business cards and other stationary

13.0 Hiring

The purpose of the Township of Brock Hiring Policy is to ensure that employment related decisions with respect to relatives are conducted in an open and transparent manner which is free from real and/or perceived conflicts of interest; the public has confidence in the integrity of the municipality's hiring policies and practices, and public expectations of conduct are upheld by the Corporation.

Relatives of the members of Council shall be prohibited from employment by the municipality where:

- They would supervised by, or subordinate to, one another (direct reporting relationship);
- They would be given preferential treatment in the recruitment and/or selection for vacancies within the municipality; and,
- They would be appointed to positions where job responsibilities would be incompatible with positions occupied by relatives.

The Corporation recognizes that broader family relationships (relatives) and close personal relationships exist which may give rise to concerns of real and/or perceived conflicts of interest. Members of Council who find themselves in such situations must be sensitive to these concerns and govern themselves in such a manner which reinforces the objects and intent of this policy.

14.0 Interpersonal Behaviours

Ontario Human Rights Code

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, 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.

Discrimination

No member of Council shall discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.

Harassment & Violence in the Workplace Policy

Members of Council shall abide by the Township's Violence and Harassment in the Workplace policies formally adopted by Council under the Occupational Health & Safety Act.

Relationship with Staff

Members of Council shall be respectful of the fact that staff work for the municipality and make recommendations based on their professional and technical expertise as well as from a corporate perspective, without undue influence from individual members of Council. Many staff members are bound, through professional associations, to a strict code of ethics in the delivery of their services. Accordingly, members of Council shall not:

- Maliciously or falsely injure the professional or ethical reputation of staff;
- Compel staff to engage in partisan political activities or be subjected to threats of discrimination for refusing to engage in such activities; and,
- Use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with staff duties.

15.0 Professional Development

Members of Council are encouraged to promote and participate in opportunities for professional development offered through professional associations, staff, etc.

16.0 Alleged Breaches

The Township of Brock – Council Code of Conduct Complaint Procedure outlines how any person who believes that a member of Council is in contravention of the Township of Brock's Council Code of Conduct may address their concerns. An informal complaint must be made prior to a formal complaint to the Integrity Commissioner.

17.0 Implementation

The Code of Conduct will be included as part of an orientation workshop for each new term of Council. In addition, members are expected to review the Code of Conduct on a regular basis.