

TOWNSHIP OF MULMUR

CODE OF CONDUCT FOR MEMBERS OF COUNCIL

1. INTRODUCTION

The citizens of Mulmur Township expect their elected officials to serve the public interest and to safeguard public trust and confidence in the democratic political process. They are entitled to expect the highest standards of conduct from their elected officials, and that their local government will carry out its duties at all times in an accountable, responsive, impartial, and transparent manner. Members of Council understand the public's high expectations of them and that their adherence to the highest standards of conduct in carrying out their duties and responsibilities, and in working together, will help to improve the quality of public administration and governance and to protect and maintain the integrity and reputation of the Township of Mulmur.

To encourage and support a culture of integrity, The Council of the Township of Mulmur adopted a Code of Conduct for Members of Council ("Code of Conduct") after a public consultation process.

2. PURPOSE

The purpose of this Code of Conflict is fourfold:

- 2.1 To set out clear expectations and guidelines for the behaviour of Members of Council;
- 2.2 To provide the citizens of Mulmur Township with information about the behaviour they can expect from Members of Council;
- 2.3 To provide guidance to Members of Council with respect to the conduct of their duties as elected officials; and
- 2.4 To provide a mechanism for responding to alleged breaches of the Code of Conduct.

3. KEY PRINCIPLES

The Code of Conduct is founded on the following key principles:

- 3.1 Members of Council shall serve and be seen to serve their constituents in a conscientious, diligent and responsive manner and thereby foster respect for government and for members of the public;
- 3.2 Members of Council shall perform their duties and responsibilities with integrity and avoid the improper use of the influence of their Office and conflicts of interest, both apparent and real. In the discharge of their duties, They shall not extend preferential treatment to family members, organizations or groups in which they or their family member has a pecuniary interest. Furthermore, they shall not participate in any decision-making in which they have a partiality towards or against any person real or reasonably perceived.
- 3.3 Members of Council shall ensure that their decision-making process is transparent, accessible and equitable. Members of Council shall recognize the public's right to reasonable access to information related to the political decision-making process, which must be balanced against the requirement to protect the legitimate interests of the Township;
- 3.4 Members of Council are expected to perform their duties in Office and arrange their private affairs in a manner that promotes public confidence and will bear the burden of close public scrutiny; and
- 3.5 Members of Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies of the Federal Parliament of Canada, the Ontario Legislature (e.g., *Municipal Conflict of Interest Act, 1990*; *Municipal Elections Act, 1996*; the *Municipal Freedom of Information and Protection of Privacy Act, 1990*), and the Township of Mulmur Council.

4. APPLICATION AND RESPONSIBILITY

This Code of Conduct applies to all Members of Council of the Township of Mulmur. It is the responsibility of every Member of Council to adhere to this Code of Conduct.

5. DEFINITIONS

- 5.1 "gifts and benefits" mean any cash or monetary equivalent, fee, object of value, service, travel and accommodation, or entertainment.
- 5.2 "confidential information" includes any information that is not available to the public and that the Township is either prohibited from disclosing under the *Municipal Freedom of Information and Protection of Privacy Act, 1990* (including information received in confidence from third parties of a corporate, commercial, scientific or technical nature; information that is personal; and information that is subject to solicitor-client privilege), or other legislation.

6. GIFTS AND BENEFITS

- 6.1 Members of Council must make their decisions objectively and free from the influence of gifts, hospitality or benefits, thereby avoiding both the reality and the appearance of impropriety with individuals, groups and organizations.
- 6.2 Members of Council shall not accept any fee, advance, gift, loan, service or personal benefit that could be seen to compromise their decision on a matter or create any obligation or special consideration by an individual, group or organization.
- 6.3 Members of Council may accept gifts or benefits that normally accompany the responsibilities of elected Office and are received as an incident of protocol or social obligation.
- 6.4 With the exception of the following, Members of Council may not accept a gift or benefit worth in excess of \$100.00 or gifts and benefits from one source during a calendar year worth in excess of \$100.00:
1. compensation authorized by law;
 2. political contributions otherwise reported by law for Members running for Office;
 3. food, lodging, transportation and entertainment provided by federal, provincial, regional and local governments or events where the Member is speaking or attending in an official capacity;
 4. sponsorships and donations for community events organized or run by a member of a third party on behalf of a Member of Council.
- 6.5 Where the value of a single gift or benefit exceeds \$100.00, or if the total value of gifts or benefits received from one source in a calendar year exceeds \$100.00, the Member shall, within 30 days of receipt of the gift or reaching the annual limit, complete a Disclosure Statement (Appendix A) and submit it to the Chief Administrative Officer/Clerk or designate. Further, the Member shall make a cash donation to the Township of Mulmur equal to the excess amount.

Disclosure Statements are a matter of public record.

7. CONFIDENTIAL INFORMATION

- 7.1 Members of Council shall not disclose or release by any means to any member of the public, any confidential information acquired by virtue of their Office, in either oral or written form, except when required by law or authorized by Council to do so.
- 7.2 Members of Council shall not disclose the content of any matter or the substance of deliberations of an in-camera (closed) meeting of Council in accordance with the

Municipal Act, 2001, as amended. All information, documentation and deliberations received, reviewed or taken in closed session of Council and its committees are confidential until Council authorizes the information to be released to the public.

In accordance with section 239 (2) of the *Municipal Act, 2001*, as amended, a meeting or part of a meeting may be closed to the public if the subject matter being considered is:

1. the security of the property of the municipality or local board;
2. personal matters about an identifiable individual, including municipality or local board;
3. a proposed or pending acquisition or disposition of land by the municipality or local board;
4. labour relations or employee negotiations;
5. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
6. advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
7. a matter in respect of which a Council, board, committee or other body may hold a closed meeting under another Act. 2001, c. 25, s. 239 (2).

7.3 Members of Council shall not use confidential information for personal or private gain or for the gain of relatives or any person or corporation.

7.4 Members of Council shall not permit any persons other than those who are entitled thereto to have access to information that is confidential.

7.5 Members of Council shall not access or attempt to gain access to confidential information in the custody of the Township unless it is necessary for the performance of their duties and not prohibited by Council policy.

8. USE OF TOWNSHIP PROPERTY, SERVICES AND OTHER RESOURCES

8.1 Members of Council shall only use Township property or services for:

- 1) activities connected with the discharge of their official duties;
- 2) associated community activities having the sanction of Council or its committees.

8.2 Members of Council shall not use or permit the use of Township property, facilities, equipment, supplies, services, staff or other resources (e.g., Township-owned materials, websites, transportation delivery services and Member of Council expense budgets) for activities other than for purposes connected with the discharge of their official duties.

8.3 Furthermore, Members of Council shall not obtain financial gain from the use or sale of Township-developed intellectual property, computer programs, technological innovations

or other patentable items while an elected official or thereafter. All such property remains exclusively that of the Township of Mulmur.

9. ELECTION CAMPAIGN WORK

- 9.1 Members of Council are required to follow the provisions of the *Municipal Elections Act, 1996*.
- 9.2 Members of Council shall not use the facilities, equipment, supplies, services or other resources of the Township for any election campaign or related purpose.
- 9.3 Members of Council shall not use the services of persons for campaign-related activities during hours in which those persons receive any compensation from the Township.

10. CONDUCT RESPECTING STAFF

- 10.1 Members of Council shall be respectful of the role of staff to advise Council based on political neutrality and objectivity and without undue influence from any individual Member or faction of the Council.
- 10.2 Members of Council shall refrain from criticizing individual members of staff.
- 10.3 Members of Council shall not compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.
- 10.4 Members of Council shall not use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering in his or her duties, including the duty to disclose improper activity.

11. BUSINESS RELATIONS

- 11.1 Members of Council shall 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.
- 11.2 Members of Council shall not act as a paid agent before Council or its committees except in compliance with the terms of the *Municipal Conflict of Interest Act, 1990*.
- 11.3 Members of Council shall not refer a third party to a person, partnership or corporation in exchange for payment or other personal benefit.

- 11.4 Members of Council shall not engage an individual whose purpose is to lobby the Council on behalf of a particular economic or other interest. Members of Council shall refer the individual to Council.

12. CONDUCT AT COUNCIL AND COMMITTEE MEETINGS

- 12.1 Members of Council recognize the importance of cooperation and strive to create an atmosphere during Council and Committee meetings that facilitates discussion and the resolution of issues in the public interest. Members shall conduct themselves at Council and Committee meetings with decorum, using respectful language and behaviour in relation to all in attendance.

13. CONDUCT REGARDING CURRENT AND PROSPECTIVE EMPLOYMENT

- 13.1 Members of Council shall not allow the prospect of their future employment by persons or entities to affect detrimentally the performance of their duties to the Township.

14. IMPROPER USE OF INFLUENCE

- 14.1 Members of Council shall not use the influence of her or his office for any purpose other than for the exercise of their official duties.

15. PUBLIC COMMUNICATIONS

- 15.1 Members of Council shall show respect for the decision-making process of Council. When one or more Members of Council disagree with the majority decision of Council, they have a duty to communicate the decision of Council accurately so that there is respect for and integrity in the decision-making process of Council.

16. REPRISALS AND OBSTRUCTION

- 16.1 Members of Council shall respect the integrity of the Code of Conduct and inquiries conducted under it.
- 16.2 Members of Council shall not obstruct the Integrity Commissioner in the carrying out of her or his responsibilities (e.g., destroying documents/erasing electronic communications or refusing to respond in writing to a formal complaint lodged pursuant to the Code of Conduct Complaint Protocol passed by Council).

- 16.3 Any reprisal or threat of reprisal against a person initiating an inquiry or complaint under the Code of Conduct or who provides information to the Integrity Commissioner in any inquiry is prohibited.

17. COMPLIANCE WITH THE CODE OF CONDUCT

All Members of Council shall be aware of and comply with this Code of Conduct.

- 17.1 Upon receipt of the recommendation of the Integrity Commissioner, Council may impose either of the following two penalties* where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the Code of Conduct:

1. a reprimand; or
2. suspension of the remuneration paid to the Member in respect of his or her services as a Member of Council or the local committee for a period of up to 90 days. **Municipal Act, 2001*

- 17.2 The Integrity Commissioner may also recommend that Council take the following actions:

1. removal from membership of a Committee;
2. removal as Chair of a Committee;
3. repayment or reimbursement of moneys received;
4. return of property or reimbursement of its value;
5. a request for an apology to Council, the complainant, or both.

18. IMPLEMENTATION

- 18.1 The Code of Conduct and Code of Conduct Complaint Protocol come into force by resolution of Council. Inquiries into alleged breaches of this Code of Conduct shall not precede the date the Code of Conduct comes into force.
- 18.2 At the beginning of each term of Office, Members of Council shall meet with the Integrity Commissioner to review the Code of Conduct.
- 18.3 At the beginning of each term, Members of Council shall sign two copies of the Code of Conduct – one for the Member and one to be filed at the Township – to convey that they have read, understand and accept it.
- 18.4 Council Members shall monitor their compliance with the Code of Conduct on an ongoing basis and at the request of Council.

TOWNSHIP OF MULMUR

Appendix A

Code of Conduct for Members of Council Disclosure Statement

Section 6.5 of the Code of Conduct for Members of Council regarding the acceptance of gifts and benefits requires Members of Council to disclose the receipt of certain gifts and benefits if the dollar value of a single gift or benefit exceeds \$100.00 or if the total value of gifts and benefits received from one source in a calendar year exceeds \$100.00. Members of Council shall use this Disclosure Statement to report such gifts and benefits and shall file it with the Chief Administrative Officer/Clerk or designate within 30 days of receipt of such gift or benefit, or upon reaching the annual limit. Disclosure Statements are a matter of public record.

Nature of Gift or Benefit Received: _____

Circumstances Under Which Gift or Benefit Received: _____

Estimated Value of Gift or Benefit: \$ _____

Date Gift or Benefit Received: _____

Signature of Member

Date

Date Statement Received by CAO/Clerk or designate _____