CORPORATION OF THE MUNICIPALITY OF Morris-Turnberry

BY-LAW No. 49-2014

"Being a by-law to adopt the Council Code of Conduct Policy for the Municipality of Morris-Turnberry."

WHEREAS, Section 223.2 (1) of the Ontario Municipal Act, S.O. 2001, c.25, as amended, states that
Section 9, 10 and 11 of the Municipal Act, authorize the municipality to establish codes of conduct for members of the council of the municipality and of local boards of the municipality;

AND WHEREAS, the Council of the Corporation of the Municipality of Morris-Turnberry has prepared and is desirous to enact a Code of Conduct for the Municipality;

NOW THEREFORE, the Council of the Corporation of the Municipality of Morris-Turnberry enacts as follows:

1. THAT the Morris-Turnberry Code of Conduct is hereby attached as Schedule ‘A’ of this by-law;

2. THAT the Mayor and Clerk are hereby authorized to sign and execute the by-law and policy;

3. THAT this by-law and policy comes into force and effect on the 1st day of December, 2014, thereof and may be cited as the ‘Council Code of Conduct’.

Read a First Time and Second Time 22nd day of July, 2014

Read a Third Time and Finally Passed 22nd day of July, 2014

Mayor Paul Gowing Administrator Clerk- Treasurer Nancy Michie
Municipality of Morris-Turnberry
Council Code of Conduct

I. 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 Members of the Municipality of Morris-Turnberry Council. 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.

II. Standards of Conduct

Members shall uphold the law and shall at all times:

a) Seek to advance the common good of the Morris-Turnberry 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 Morris-Turnberry’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 Morris-Turnberry policies;

c) Uphold this Code as means of promoting the standards of behavior expected of Members and enhancing credibility and integrity of Council in the broader community.
III. Member Responsibilities

a) Respect For 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 Member’s 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 Councilor, Board or Committee Member that is not in the public domain, including emails and correspondence from other members of Council, Board or Committee Member 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 his 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 Morris-Turnberry. 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 or by other Counties or lower tier municipalities, 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. A copy of this correspondence shall be provided to the Mayor.

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 Morris-Turnberry is conducted with efficiency and shall avoid waste, abuse and extravagance in the provision or use of municipal resources. Members shall follow the Morris-Turnberry’s 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 Morris-Turnberry operates on a one employee model with the Administrator Clerk-Treasurer as the only staff person responsible to Council. The ACT 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 ACT. Members of Council and staff will work cooperatively based on shared values of honesty, mutual respect and leadership and always strive for continuous improvement.

Members shall be respectful of the fact that staff work for Morris-Turnberry 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 Morris-Turnberry 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 service 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 Chief Administrative Officer and shall refrain from criticizing staff in public, at any Council or Committee meeting, whether in open or closed session 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 Morris-Turnberry**
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 Morris-Turnberry and in their dealings with the broader community.

Members shall encourage public respect for the Morris-Turnberry, 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 that which is accorded to all citizens.

**IV. Compliance/Enforcement**

The Morris-Turnberry has an obligation to ensure compliance with the ethical and interpersonal conduct standards required of Members by this Code of Conduct. The Morris-Turnberry 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 obligations of the Morris-Turnberry.

**Informal Complaint Process**

Individuals (Councilors, staff or the public) who have witnessed behavior that they believe to be in contravention of the *Code of Conduct* are encouraged to first pursue resolution through an informal process which may include:

1. Advise the Member that the behavior or activity may contravene the Code of Conduct
2. Encourage the Member to stop the behavior or activity
3. Keep a written record including date, time, location, witnesses and other details
4. Tell someone else (for example the Mayor, ACT or other Councilor) about your concern and your discussion with the Member.
5. Consider the need to pursue a formal complaint or other legal resolutions

**Formal Complaint Process**

While the Informal Complaint Process is encouraged as a first step, any individual who believes there has been a violation of the *Code of Conduct* may pursue a formal complaint without attempting to resolve the issue through the Informal Complaint Process.

**Phase 1**

- Formal complaints regarding the ethical conduct of a Council Member shall be submitted in writing to the Mayor (or the Past Mayor if the complaint involves the current Mayor) explaining the grounds for the complaint.
• All complaints are treated as confidential and the complainant’s name shall be kept confidential.
• 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 15 days.
• The Mayor shall bring the written complaint and the written response to the attention of the Council and the ACT without the affected member in attendance.
• The Ethics Committee shall determine if there has been a breach of the Code of Conduct and any action to be taken or they shall recommend that an Integrity Commissioner be retained to investigate and report back to Council.
• Penalties may include: a written reprimand.

Phase 2 (if needed)

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.
• Formal complaints 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.