

**THE CORPORATION OF THE
TOWNSHIP OF WELLINGTON NORTH**

BY-LAW NUMBER 54-14

BEING A BY-LAW TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL OF THE TOWNSHIP OF WELLINGTON NORTH.

AUTHORITY: Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, Sections 11 and 223.2(1)

WHEREAS Section 11 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, authorizes 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 2001, S.O. 2001, c. 25, 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 Council of the Corporation of the Township of Wellington North deems it expedient to establish a Code of Conduct for Council;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH ENACTS AS FOLLOWS:

1. That the Council of the Township of Wellington North does hereby adopt the Code of Conduct, attached hereto as Schedule "A".
2. That Schedule "A" forms part of this by-law.
3. That this by-law shall come into force on and take effect upon its final passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23RD DAY OF JUNE, 2014.



**RAYMOND TOUT,
MAYOR**



**MICHAEL GIVENS,
CHIEF ADMINISTRATIVE OFFICER/CLERK**



TOWNSHIP OF WELLINGTON NORTH POLICY AND PROCEDURE MANUAL

DEPARTMENT	Council	POLICY NUMBER 39
SECTION	223.2 (1)	EFFECTIVE DATE: June 23, 2014
SUBJECT	Council Code of Conduct	
AUTHORITY	Municipal Act, 2001, Section 223.2 (1)	

POLICY

This policy provides the rules of conduct for Council Members to ensure that the Township of Wellington North's affairs are governed in an accountable and transparent manner. Attaining an elected position within one's community is a privilege that carries significant responsibilities and obligations. Members of Council are held to a high standard as leaders of the community and are expected to become well informed on all aspects of municipal governance, administration, planning and operations. They are also expected to carry out their duties in a fair, impartial, transparent and professional manner.

PURPOSE

1. To ensure that Council Members fundamentally understand that:
 - a) The proper operation of democratic and representative municipal government requires that they be independent, impartial and responsible to the people;
 - b) There are open and proper channels for decision making and approval of policies;
 - c) Conflicts between private interests and public responsibilities are unacceptable and must be avoided, and;
 - d) As leaders of the community, they are held to a higher standard of behavior and conduct.

RESPONSIBILITIES

1. Roles and Responsibilities

Council Members recognize their mandate includes the following tasks:

- a) Learning and following the Procedure By-law for Council and its Committees;
- b) Fairly representing the diversity of community views in developing an

- overall strategy for the future of our Township;
- c) Setting objectives and determining strategies to achieve Council's Corporate objectives;
 - d) Achieving sound financial management, planning and accountability, and;
 - e) Being aware of and conversant with the statutory obligations imposed on Council as a whole, as well as each individual Member of Council.

2. Use of Information

In their decision making process, Members of Council are sometimes privy to information which may be confidential such as, but not necessarily limited to, information provided or discussed during "Closed" meetings. It is expected that Members of Council will:

- a) Use confidential information appropriately, so as not to be used to their personal advantage or cause detriment or benefit to others;
- b) Respect the status of confidential (personnel, legal, property acquisition, etc.) information;
- c) Understand they enjoy the same access rights to municipal information as any other member of the community, unless it is specifically relevant to a matter before Council;
- d) Keep confidential any information disclosed or discussed at a meeting of Council or Committee, or part of a meeting of Council or Committee, that was closed to the public;
- e) Keep confidential any information that is circulated to members of Council that is marked "Confidential", or received in confidence verbally in preparation for the Closed meeting;
- f) Keep information confidential even if the member ceases to be a Member of Council, and;
- g) Only release information according to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), as amended from time to time.

3. Communications and Media Relations

Members of Council will accurately and adequately communicate the attitudes and decisions of Council, even if they disagree with a majority decision of Council so that:

- a) There is respect for the decision making processes of Council, and;
- b) Information concerning adopted policies, procedures and decisions of the Council is conveyed openly and accurately.

4. Relationships with Staff and Other Members of Council

Members of Council will:

- a) Acknowledge that only Council as a whole has the capacity to direct staff members to carry out specific tasks or functions;

- b) Refrain from using their position to improperly influence members of staff in their duties or functions or to gain an advantage for themselves or others, and;
- c) Refrain from publicly criticizing individual members of staff and/or Members of Council in a way that casts aspersions on their professional competence and credibility.

5. Gifts, Hospitality and Other Benefits

The objective is to ensure that Members of Council make decisions based on impartial and objective assessment of each situation, free from influence of gifts, favours, hospitality or entertainment.

- 5.1. Members of Council shall not place themselves in a position of obligation to any person or organization which might reasonably benefit from special consideration or may seek preferential treatment.
- 5.2. Members of Council are prohibited from soliciting, accepting, offering or agreeing to accept any gifts, commission, hospitality, reward, advantage or benefit of any kind, personally or through a family member or business acquaintances, that is connected directly or indirectly with the performance of duties of office or could reasonably be construed as being given in anticipation of future, or recognition of past, "special consideration".
- 5.3. Members of Council are prohibited from accepting, directly or indirectly, any gifts, hospitality or other benefits that are offered by persons, groups or organizations having dealings with the Township.
- 5.4. The above policy does not preclude Members of Council from accepting:
 - 5.4.1. The stipend paid to each Member of Council intended to fully remunerate members of Council for service to the Corporation;
 - 5.4.2. A stipend from a board or commission that the Councillor serves on as a result of an appointment by Council;
 - 5.4.3. Reimbursement of reasonable expenses incurred in the performance of office;
 - 5.4.4. Reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations;
 - 5.4.5. Token gifts, souvenirs, mementoes or hospitality received in recognition for service on a committee, for speaking at an event or for representing the Township at an event;
 - 5.4.6. Food and beverages at meetings, banquets, receptions, ceremonies or similar events;
 - 5.4.7. Food, lodging, transportation, entertainment provided by other levels of governments, by other local governments or by local government boards or commissions;

- 5.4.8. Gifts of a nominal value that are received as an incident or protocol or social obligation that normally and reasonably accompany the responsibility of the office, and;
- 5.4.9. Political contributions that are otherwise offered, accepted and reported in accordance with applicable law.

5.5. Where it is not possible to decline unauthorized gifts, hospitality or other benefit. Members of Council shall report the matter to the Chief Administrative Officer (CAO). The CAO may require that the gift be retained by the Township or be disposed of for charitable purposes.

6. Conflict of Interest

Members of Council will recognize their obligations to:

- a) Follow and respect both the letter and spirit of the provisions of the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act, 1994* as amended from time to time.

7. Use of Property

Members of Council will:

- a) Only use Township property, equipment, supplies or services of consequence, for activities connected with the discharge or official duties or associated community activities having the sanction of Council.

8. Transparency and Openness in Decision Making

Members of Council will endeavour to:

- a) Conduct and convey Council business in an open and public manner (other than subject matters being considered in a Closed meeting), so that residents and ratepayers are aware of the process, logic and rationale that was used to reach conclusions or decisions.

9. Public Input

Council may periodically use formal and informal opportunities to seek public input as a component of the decision making process especially if it will have a broad impact on the community. The purpose of the exercise will be to provide residents and ratepayers with a mechanism to provide opinions and advice so that the widest range of views and information is available before final decisions are made.

10. Professional Development

- a) Members of Council have an obligation to promote, support, pursue and partake in opportunities for professional development, and;
- b) Council Members are encouraged to stay updated on issues and trends so that they may be as efficient and effective as possible when carrying out their duties and responsibilities.

11. Conduct During An Election Campaign

- a) Every member shall comply with all applicable requirements of the *Municipal Elections Act, 1996*.
- b) No member shall use confidential information, facilities, equipment, supplies, services or other resources of the municipality, including any Municipal newsletter or website linked through the municipality's website, for any election campaign or campaign-related activity.
- c) No member shall undertake campaign-related activities on Municipal property during regular staff working hours unless authorized by the municipality.
- d) No member shall use the services of any person for election-related purposes during hours in which that person receives any compensation from the municipality.

ETHICAL BEHAVIOUR

1. Definitions:

"Ethical behaviour" – is characterized by honesty, fairness and equity in interpersonal and professional relationships and in other Township related activities. Ethical behaviour respects the dignity, diversity and rights of individuals and groups of people. This definition is not a denial of the existence of other ethical duties with respect to elected office (see Addendum "Definition of Ethical Behaviour", attached).

2. Fundamental Principles of Ethical Behaviour:

The fundamental principles of ethical behaviour within the Council of the Township of Wellington North focus on Council's professional conduct (internally with Council and staff and externally with the electorate, other governments, etc.)

The fundamental principles of ethical behaviour within the Council of the Township of Wellington North are:

- Each member of Council is personally accountable for his or her actions;
- All members of Council have a shared responsibility to uphold ethical behaviour within the Council;
- To facilitate and promote ethical behaviour in contrast to policing cases of unethical behaviour.

PROCEDURES

- a) Council Members are encouraged to seek clarification from other Members if they are uncertain as to the appropriateness of their existing or contemplated conduct.
- b) Complaints or inquiries concerning ethical conduct of any Member of Council shall be made in writing to the Chief Administrative Officer.
- c) The content of the complaint is not to be made public or provided to members of Council.
- d) Where a contravention of any component of this Code of Conduct is alleged, Council will appoint an Integrity Commissioner to investigate alleged contravention. The Integrity Commissioner will complete a report that will be reviewed by Council at a meeting open to the public prior to it being published.
- e) Any sanctions recommended by the Integrity Commissioner shall be ratified by Resolution at a session of Council.
- f) Sanctions include, but are not limited to, removal from Committee assignments either permanently or for an interim period, barring the member from attendance at Closed meetings either permanently or for an interim period, barring the member from being circulated/informed of confidential materials/matters, or demand of an apology.
- g) All Sanctions under this policy will be fair and in keeping with the severity of the infraction, giving due regard to the previous conduct of the Member.
- h) Nothing in this Section restricts or attempts to revoke the legal right of a Member to challenge a decision by the Integrity Commissioner through established legal channels.
- i) All complainants shall be advised in writing of the Integrity Commissioner's decision.
- j) It is the intent of this policy to have the process of investigation started within 20 working days of the complaint being filed with the Chief Administrative Officer.
- k) Complaints that are considered frivolous and vexatious by the Clerk will not be subjected to the costs of investigation. In this instance "frivolous" means "not having any serious purpose or value" and "vexatious" means "annoying or harassing".

IMPLEMENTATION

1. At the beginning of each term, Members of Council will be expected to sign a Confirmation of Understanding of the Code of Conduct to convey to each other, residents, ratepayers and staff that they have read, understand and accept the Policy.
2. A Code of Conduct component will be included as part of the orientation workshop for each new Member of Council.
3. Council Members are expected to formally and informally, on a regular basis, review their adherence to the provisions of the Code, or as requested by Council.

BY-LAW NUMBER 54-14
SCHEDULE "A"



CONFIRMATION OF UNDERSTANDING
TOWNSHIP OF WELLINGTON NORTH
COUNCIL CODE OF CONDUCT

I have received a copy of the Township of Wellington North Council Code of Conduct for members of Council and have read the document carefully.

I understand all of the terms and agree to abide by them.

I understand that if I violate the Code of Conduct, I may be subject to sanctions or corrective action.

Council Member Signature

Date

Council Member Name (please print)

Witness

BY-LAW NUMBER 54-14
SCHEDULE "A"

DEFINITION OF ETHICAL BEHAVIOUR

Addendum:

- "Dignity"** - true worth, excellence, high rank or estimation
- "Diversity"** - being unlike in nature or qualities, different kind, variety
- "Equity"** - fairness, recourse to principles of justice to correct or supplement law; system of justice supplementing or prevailing over common and statute law
- "Fairness"** - fair = just, unbiased, equitable, legitimate, in accordance with rules
- "Honesty"** - truthfulness; honest = fair and righteous in speech and act, not lying, cheating or stealing; sincere; showing righteousness
- "Respect"** - as noun: respect of persons = partiality or favour shown especially to the powerful; heed or regard to; as verb: pay heed to; regard with deference, esteem, or honour; avoid degrading or insulting or injuring or interfering with or interrupting, treat with consideration, spare, refrain from offending or corrupting or tempting
- "Right(s)"** - justification, fair claim, being entitled to privilege or immunity, thing one is entitled to; authority to act in specified way