POLICY STATEMENT:

In accordance with Section 223.2 (1) of the Municipal Act 2001, as amended, a municipality is authorized to establish a code of conduct for members of the council of the municipality. This Code of Conduct shall apply to Council members of the Municipality of North Grenville, and establish a minimum standard of behaviour for members while carrying out their roles and responsibilities as an elected official. This policy will assist the Council in:

- Understanding the standards of conduct expected and the relevant laws that apply in relation to those standards;
- Fulfilling duties to act honestly and exercise care and diligence;
- Acting in a manner that enhances public confidence in local government; and
- Identifying and resolving situations which might involve a conflict of interest or a potential misuse of position and authority.

PURPOSE

Members of Council hold positions of privilege and must discharge their duties in a manner that recognizes a fundamental commitment to the well being of the community and regard for the integrity of the Corporation. The purpose of the Code of Conduct is to:

- Promote high ethical standards among Members of Council;
- Provide a general understanding of the fundamental obligations of Members of Council;
- Promote healthy debate amongst the Members when discussing matters of public interest and such debate shall be with dignity, decorum and respect for the opinions of others;
- Ensure a level of respect and equality amongst all Members while fulfilling their roles and responsibilities as an elected official; and
- Ensure that Members perform their duties with integrity, avoiding any improper use of the influence of their office and conflicts of interest, and promoting public confidence.
LEGISLATED RESPONSIBILITIES

1. Role of Council

Pursuant to the Municipal Act, 2001, it is the role of Council:

- To represent the public and to consider the well-being and interests of the municipality;
- To develop and evaluate the policies and programs of the municipality;
- To determine which services the municipality provides to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- To ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- To maintain the financial integrity of the municipality; and,
- To carry out the duties of council under this or any other Act.

2. Role of the Head of Council

Pursuant to the Municipal Act, 2001, it is the role of the Head of Council:

- To act as the chief executive officer of the municipality;
- Preside over council meetings so that its business can be carried out efficiently and effectively;
- To provide leadership to the council;
- To provide information and recommendations to the council with respect to the role of council;
- To represent the municipality at official functions; and,
- To carry out the duties of the head of council under this or any other Act.

3. Role of Head of Council as Chief Executive Officer

Pursuant to the Municipal Act, 2001, it is the role of the Head of Council as Chief Executive Officer:

- Uphold and promote the purposes of the municipality;
- Promote public involvement in the municipality’s activities;
- Act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and,
- Participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

4. Role of Officers and Employees

Pursuant to the Municipal Act, 2001, it is the role of the officers and employees of the municipality:

- To implement council’s decisions and establish administrative practices and procedures to carry out council’s decisions;
- To undertake research and provide advice to council on the policies and programs of the municipality; and,
- To carry out other duties required under this or any Act and other duties assigned by the municipality.
ROLE OF MEMBERS OF COUNCIL
All Members

It is the duty of all Members of Council to:

- Represent the public and consider the well-being and interests of the municipality at large;
- Establish policies that define the strategic priorities to be achieved, policies for Council processes, and the parameters within which the Chief Administrative Officer (CAO) and Senior Management Team (SMT) are to operate;
- Establish policies and procedures to ensure that high quality municipal services and programs are provided in a cost-effective manner;
- Balance the diverse values, aspirations, priorities and competing interests of the whole community;
- Evaluate and determine the programs and services provided by the municipality;
- Make sound, effective, and timely decisions based upon objective data and open debate of issues;
- Conduct its activities in an orderly, professional and businesslike manner while ensuring accountability and transparency of the operations of the municipality;
- Be honest and respectful of each other in their communications with the public, media, and staff;
- Ensure that confidential matters and materials disclosed before or during Closed Sessions are kept confidential;
- Respect each others’ time, honour commitments and provide advance notice of absences for meetings and other commitments to the Mayor and the Clerk’s Department;
- To exercise their right to vote on all matters unless otherwise prohibited by statute;
- Embrace/encourage constructive disagreement and discussion while avoiding discouraging destructive conflict;
- Make reasonable attempts to build consensus on issues and failing that will respect the majority vote of Council; and
- Maintain the financial integrity of the municipality.
STANDARD OF CONDUCT

1. Definitions

Communication(s) include, but are not limited to, written or spoken words in the form of e-mail transmissions, Instant Message (IM) transmissions, telephone and cell phone communications, communications generated electronically, and pictures.

Confidential Information is information that is not available to the public as a general course of established municipal practice, or is restricted and controlled under the Municipal Freedom of Information and Protection of Privacy Act. The following is in no way an exhaustive list of information that is to be protected, but it shall provide guidance as to the nature of the information to be protected:

- Personal data of employees or others.
- Records related to internal policies and practices, which if disclosed, may prejudice the effective performance of a municipal operation.
- Records of a financial nature reflecting information given or accumulated in confidence.
- Files prepared in connection with litigation and adjudicative proceedings.
- Confidential Reports of consultants, policy drafts and/or internal communications, which, if disclosed, may prejudice the effective operation of the municipality.
- Reports and correspondence considered during Closed Session meetings of Council shall be returned to the Clerk at the end of each meeting.

Moderate Hospitality shall mean a meal, garment, plaque or award paid for or provided by an individual, firm, or group.

Pecuniary Interests are interests that have a direct or indirect financial impact. They include:

- Any matter in which the member has a financial interest;
- Any matter in which the member is a shareholder in, or a director or senior officer of a corporation that does not offer its securities to the public and such corporation has a financial interest in the matter;
- Any matter in which the member has a controlling interest in, or is a director or senior officer of, a corporation that offers its securities to the public and such corporation has a financial interest in the matter.
- Any matter in which the member is a member of a body and such body has a financial interest in the matter.
- Any matter in which a parent, spouse, same sex partner or any child of the member has a financial interest, if known to the member.

Preferential shall mean giving specific advantage or priority to a person or group.

Public Comment shall mean disclosures or statements made in public, or in the course of a speech, lecture, radio, television or internet broadcast, in the press, or in published form.

Workplace shall mean any land, premises, location or thing at, upon, in or near which a worker works.
**Workplace Harassment** shall mean engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

2. RULES OF CONDUCT

2.1 *Preferential Treatment*

Members of Council shall not, in the exercise of an official power, duty, or function, give preferential treatment to any person or organization based solely on the identity of the person or organization. No Member of Council shall grant any special consideration or advantage in matters related to his/her position on Council to any person or organization(s) beyond that which is available to every citizen.

2.2 *Confidential Information*

Members of Council shall not use information that is obtained in the exercise of his or her official duties and that is not available to the public to further his or her private interests. No member of Council shall divulge information, documents, or details of confidential matters or committee.

2.3 *Influence*

Members of Council shall not use his or her position to seek to influence a decision of another person or council so as to further his or her private interest(s), or the interest(s) of his or her relatives or friends.

Members of Council shall not attempt to require or compel municipal staff to participate in political activities or to undertake personal or private work on behalf of the member.

2.4 *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;
- 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; and,
Inquiries of staff should be directed to the CAO or the appropriate Director as directed by the CAO.

2.5 Operational Inquiries

Operational inquiries and complaints received from the public will be addressed by members of Council as follows:

- Members of Council who are approached by the public with inquiries/complaints regarding operational matters should encourage the party to contact the appropriate Department for review/resolution.
- Where the member of the public is reluctant to contact the Department directly, the member of Council should take the person’s name, phone number and details of the inquiry/complaint and advise them that the matter will be referred to the CAO for review/resolution.
- Members of the public are encouraged to provide their issue/matters of concern in writing to the appropriate Department.
- Where the inquiry/complaint is not resolved to the liking of the member of the public then the issue may be brought forward to the Mayor and then Council for resolution.

2.6 Gifts and Benefits

Members of Council shall not accept a fee, advance, gift, loan, or personal benefit that is connected directly or indirectly with the performance of his or her duties of Office. The following are recognized as exceptions within this code:

- Compensation authorized by law;
- Campaign contributions in accordance with the *Municipal Elections Act*;
- Moderate hospitality derived from attendance at banquets, receptions or similar events, for charitable, not for profit, community purposes, or where the Member is either speaking or attending in an official capacity and where attendance serves a legitimate public duty.

3. INAPPROPRIATE CONDUCT- HARASSMENT

3.1 Harassment is prohibited under both the Ministry of Labour statutes and the Ontario Human Rights Code. In addition to this, Workplace Harassment, whether it occurs inside or outside the workplace but is related to the work environment or activities of elected office, is considered to be workplace harassment and is inappropriate and prohibited behaviour for the purpose of this Code of Conduct.

3.2 Members of Council shall not bully, threaten, coerce, or otherwise harass, or intimidate employees or volunteers of the municipal organization, municipal contractors, the public, or his/her colleagues.
3.3 Members of Council shall not engage in any form of slanderous, malicious, or demeaning communications in regards to other members of Council, municipal staff, or the public.

3.4 Members of Council recognize and respect the roles of Municipal staff and affirm that only Council as a whole has the capacity to direct staff members. In addition, members shall acknowledge and respect the fact that staff carry out directions of Council as a whole and administer the policies of the Municipality, and are required to do so without any undue influence from any individual member or group of members. Members shall not publicly criticize individual staff members in a way that cast aspersions on their professional competence and credibility.

4. **CONFLICT OF INTEREST**

4.1 Members will follow and respect both the letter and intent of the provisions of the *Municipal Act 2001* and the *Municipal Conflict of Interest Act*, as amended from time to time.

4.2 Where a Member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting at which the matter is the subject of consideration, the Member shall:

- Prior to any consideration of the matter at the beginning of the meeting, disclose the interest and the general nature thereof;
- Not take part in the discussion of, or vote on any question in respect of the matter; and
- Not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

4.3 Any Member declaring a pecuniary interest may, at his/her discretion, leave the meeting until Council or Committee has dealt with the matter in relation to which the interest has been declared. When the meeting is in Closed Session, a Member shall forthwith leave the meeting or part of the meeting during which the matter in relation to which the interest has been declared is under consideration by Council or Committee.

4.4 Where the interest of a Member has not been disclosed by reason of the Member’s absence from the meeting, the Member shall disclose the interest at the first meeting of the Council or Committee as the case may be, attended by the Member after the meeting during which the matter was considered.

4.5 Declarations of pecuniary interest shall be recorded in the minutes. In the event that a Member declares an interest during Closed Session, the Member shall affirm their declaration of interest at the beginning of the Open Session as noted on the agenda.

5. **CONSEQUENCES OF MISCONDUCT**

5.1 Every Member of Council who fails to meet his or her obligations under this code is subject to any one or a combination of consequences below as determined by the appointed Integrity Commissioner;
- reprimand in Open Council /Board (Censure);
- suspension of office for a period of not more than 90 business days;
- suspension of honorariums for a period of not more than 90 business days;
- removal from committees of Council;
- any combination of the above.

6. **INVESTIGATION OF A COMPLAINT**

6.1 Any person may file a complaint regarding the conduct of a Member of Council.

6.2 A complaint must be made in writing, signed by the person making the complaint and accompanied by a supporting affidavit.

6.3 The Clerk, upon receipt of a complete complaint shall acknowledge receipt of the complaint and convene a meeting of the Mayor, Chief Administrative Officer, and the Clerk to review the complaint and determine whether an investigation should be commenced.

6.4 Where it is determined that a further review and investigation may be required, the complaint shall be forwarded to the appointed Integrity Commissioner. The Integrity Commissioner may investigate the complaint(s), make findings, and report to Council on breaches, or potential breaches, of this code. The Integrity Commissioner will also recommend to Council what the appropriate consequences of the breach may be. Where the Integrity Commissioner appointed for the municipality cannot or will not make a determination regarding a complaint, Council may pass a resolution requesting a judge of the Ontario Superior Court of Justice to conduct an investigation of the member's conduct under Section 274(1) of the *Municipal Act 2001* as amended. Should the Judge determine that a breach has occurred; the consequences contained in this policy shall be considered along with all other penalties provided for in other Acts of the Legislature. All complaints containing allegations of corruption or other criminal conduct will be referred to the police.

6.5 The Integrity Commissioner shall conduct the investigation in accordance with the principles as set out in the *Public Inquiries Act*.

6.6 In conducting the investigation, the Integrity Commissioner must maintain records of information gathered and witnesses interviewed. Investigations are to be conducted in private, and all information is to be treated as confidential.

6.7 Prior to making the report to Council, the Integrity Commissioner will give an opportunity to respond to any person against whom he or she is proposing to make adverse findings.

6.8 The Integrity Commissioner shall provide a report to Council in Open Session, which shall contain the Commissioner's opinion as to whether a breach of this code has occurred along with any recommended consequences or sanctions. Council shall be required to accept or decline, by recorded vote, the report of the Commissioner.

6.9 The Council body will be responsible for the implementation of any consequences, penalties or sanctions against its members.
6.10 If the Integrity Commissioner finds that a complaint has been filed that is malicious, frivolous, vexatious, or has no basis in fact, the complainant may be required to reimburse the municipality for the Integrity Commissioner's fees and costs associated with the complaint.

7. ADVICE ON POTENTIAL BREACHES

7.1 The appointed Integrity Commissioner may advise Members of Council on potential breaches of the code. Members who wish to speak with the Integrity Commissioner must do so through the Offices of the Chief Administrative Officer or the Clerk. Members who receive advice are entitled to rely on it, and will not be subject to sanctions should they have relied on the advice and are still found to be in breach of the code.

LEGISLATIVE REFERENCES

Criminal Code of Canada
Municipal Conflict of Interest Act, as amended
Municipal Elections Act, 1996, as amended
Municipal Act, 2001, as amended
Municipal Freedom of Information and Protection of Privacy Act
COMMITMENT OF THE MEMBERS OF Council

We the undersigned Members of the North Grenville Municipal Council are committed to observing the Code of Conduct for Members of Council as passed by the Municipality of North Grenville.

Mayor ________________________________ Date ________________________________

Councillor ________________________________ Date ________________________________

Councillor ________________________________ Date ________________________________

Councillor ________________________________ Date ________________________________
Sample

Formal Complaint Procedure
Affidavit

Please note that signing a false affidavit may expose you to prosecution under Sections 131, 132 or 134 of the Criminal Code, R.S.C. 1985, c. C-46 and possible civil liability for defamation.

AFFIDAVIT OF ________________________________________________________________
   [Full Name]
I, ______________________________________ of _______________________________________
   [full name]                        [full mailing address]

In the Province of Ontario MAKE OATH AND AFFIRM:

1. I have personal knowledge of the facts set out in this affidavit, because ________________________________________________________________
   ________________________________________________________________
   [insert reasons e.g., I work for…I attended the meeting at which…..etc.]

2. I have reasonable and probable grounds to believe that __________________________________________, a Member of North Grenville Council
   [insert name of Member]

   has contravened Section(s) ___________________________________________ of the Code of
   [insert applicable sections of Code of Conduct]

Conduct. The particulars of which are as follows:

[Set out the statements of fact in consecutively numbered paragraphs below, with each paragraph being confined as far as possible to a particular statement of fact. If you wish to include exhibits to support this complaint, please refer to the exhibits A, B, etc. and attach them to this affidavit.]

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________
This affidavit is made for the purpose of requesting that this matter be reviewed and for no other purpose.

**SWORN before me at the Town/Municipality**

of __________________________ in the

Province of Ontario on this ___________

Day of ______________________, 201    Signature of Complainant

__________________________________________

Signature of Commissioner of Oaths