

THE CORPORATION OF THE MUNICIPALITY OF NEEBING

BY-LAW NUMBER 044-2015

Being a by-law to adopt a Code of Conduct for Council

Recitals:

1. The Municipal Act, 2001, S.O. 2001, c.25, provides that Municipality has the capacity, rights, powers and privileges of a natural person and also authorizes a Municipality to establish codes of conduct for members of council of the municipality.
2. By-law 753-2008 was passed in January of 2008 as the Corporation's Code of Conduct for its members of Council. The Council has reviewed the by-law and considers it necessary to replace it with a new one.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF NEEBING ENACTS AS FOLLOWS:

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| ARTICLE ONE: Definitions/Interpretation |
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1.01 Defined Terms: Where the terms set out in the lettered paragraphs of this Section appear in the text of this By-law with their initial letters capitalized, the term is intended to have the meaning attributed to it in this Section 1.01.

- a) "Act" means the Municipal Act, 2001, cited in the first recital to this By-law.
- b) "By-law" means this By-law enacting a Code of Conduct for the Council of the Corporation.
- c) "Clerk" means the person, regardless of his or her title, who fulfils the role of the clerk for the Municipality
- d) "Code of Conduct" means the rules and principles set out in this By-law.
- e) "Corporation" means The Corporation of the Municipality of Neebing.
- f) "Council" means the municipal council for the Corporation.
- g) "Integrity Commissioner" means a person appointed to the role of integrity commissioner as contemplated in the Act.
- h) "Member of Council" means any elected or appointed member of the Council, including the Mayor.

1.02 Interpretation Rules: The rules set out in the lettered paragraphs of this Section govern the reading and interpretation of this By-law.

- a) **Citing Legislation:** Where legislation of other orders of government is referred to, the following rules apply:
- i) The title of legislation, including the word “Act” together with a comma and a year, refers to legislation of the Province of Ontario, enacted in the Statutes of Ontario for that year;
 - ii) The title of legislation, including the word “Act”, refers to legislation of the Province of Ontario, enacted in the Revised Statutes of Ontario, 1990;
 - iii) The title of legislation, preceded by the word “Federal”, including the word “Act” together with a comma and a year, refers to legislation of Canada, enacted in the Statutes of Canada for that year;
 - iv) The title of legislation, preceded by the word “Federal”, including the word “Act” refers to legislation of Canada, enacted in the Revised Statutes of Canada 1985;
 - v) In all cases, the term refers to both the legislation and any regulations or policies passed under the legislation; and
 - vi) In all cases, the term includes the legislation, as amended from time to time, including any replacement legislation.
- b) **Includes:** The use of the words “include”, “includes”, or “including” does not limit the words or phrases preceding or following it.
- c) **Headings:** The headings to Articles, Sections or paragraphs in this By-law are placed for ease of reference and are not intended to have any interpretive function.
- d) **Permission-Seeking:** Wherever this By-law provides that approval of Council may be sought, any Member of Council who seeks that approval may not participate in the decision-making process associated with that approval.

ARTICLE TWO: Guiding Principles

2.01 **Responsibilities of Office:** Attaining an elected position within one’s community is a privilege which carries significant responsibilities and obligations. Members of Council are held to a high standard as leaders of the community. They 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 profession manner which promotes public confidence in the Corporation and the Members of Council.

2.02 **Regard for the Code:** The purpose of this Code of Conduct is to provide a reference for Members of Council as to the standards of professional and ethical behaviour expected of them. Each member of Council shall be guided by this Code of Conduct in the exercise of his or her functions and in representing the Corporation.

2.03 **Scope:** Municipal government has a broad scope and can be very complex. A Code of Conduct such as this one cannot deal with all situations and eventualities which may arise. In the event a Member of Council is faced with a circumstance not explicitly addressed by this Code of Conduct, or by applicable law, or in another policy or by-law of Council, it should be dealt with in accordance with the principles and intent expressed in this By-law.

2.04 **Applicable Laws and Policies:** Many laws have application to the actions of municipal councils in addition to the Act. Examples include: the Federal Criminal Code, the Occupational Health and Safety Act; the Ontario Human Rights Code Act, the Municipal Elections Act, 1996; the Municipal Conflict of Interest Act; and the Municipal Freedom of Information and Protection of Privacy Act. The Members of Council shall adhere to both the spirit and the letter of all of the applicable laws, whether enacted by Federal, Provincial, or Municipal governments, or applicable through the common law. For clarity, this section is also intended to apply with respect to the by-laws and policies approved by Council for municipal operations, several of which cover matters relating to personal conduct.

2.05 **Decorum:** The general duties of Council Members are to act honestly and with reasonable care and diligence in the performance and discharge of official functions and duties. In doing so, Members of Council will act in a fair and transparent manner. They will undertake their roles with conscientiousness and in good faith, acting always in the best interest of the Corporation.

2.06 **Oath/Declaration of Office:** Prior to taking office, every Member of Council either took an oath of office or made a solemn declaration of office. In that statement, he or she promised to undertake his or her duties to the best of his or her knowledge and ability, to exercise the office without bias, without corruption or without any other improper activity, and to comply with the Municipal Conflict of Interest Act. Compliance with this Code of Conduct fulfils the obligations of the Oath/Declaration of Office.

ARTICLE THREE: Council Responsibilities While Undertaking Municipal Business

3.01 **Procedural By-law:** At Council and committee meetings, Members of Council shall conduct themselves in accordance with the provisions of the Corporation's procedure by-law, showing courtesy and respect to all individuals present, and undertake the business at hand without distracting from it.

3.02 **Respect for the Process:** After the Council has made a decision, that decision shall be communicated accurately in a manner that shows respect for the decision-making process of the Council, whether or not any individual Member of Council may disagree with the final outcome.

3.03 Conflicts of Interest: Members of Council will abide by the Municipal Conflict of Interest Act and will avoid both actual and perceived conflicts of interest in undertaking their duties. No Member of Council will use his or her position, privileges or information obtained as a Member of Council for private gain or to improperly benefit another person.

3.04 Gifts/Hospitality: (a) Subject to paragraph (b), no Member of Council may solicit, accept, offer or agree to accept any gift, hospitality, reward, advantage or benefit of any kind, whether personally or through a member of his or her family (as defined in the Municipal Conflict of Interest Act) that is connected with the performance of duties of office or dealings with the Corporation, or that may be perceived to having been received in anticipation of future, or recognition of past special consideration. Adherence to this rule avoids being placed in a position of obligation or apparent obligation to any person or organization which may seek preferential or special treatment. Members of Council may accept on the Corporation's behalf any gifts provided to the Corporation without violating this Section of the By-law, provided that the gift is turned over to the Corporation as soon as is reasonably practical after its receipt.

(b) The following items may be accepted by Members of Council:

- Token gifts, souvenirs, mementos or hospitality in recognition for service on a committee or for speaking at an event or for representing the Corporation at an event;
- Food, beverages and/or entertainment at meetings, banquets, receptions, conferences, seminars, training courses, ceremonies or similar events;
- Food, lodging, transportation, and/or entertainment provided by other orders of government or by other local governments or agencies; and
- Gifts of a nominal value that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of the office.

In addition, paragraph (a) of this section does not disqualify a Member of Council from receiving the normal and approved remuneration for services to the Council or to boards or agencies to whom he or she is appointed, including reimbursement of expenses in accordance with approved policy. Campaign contributions and volunteer services associated with election campaigning may also be accepted, in accordance with applicable laws and policies.

3.05 Contracting with the Corporation: A Member of Council may not be party to, or a beneficiary under, a contract for the provision of goods or services to the Corporation, or under a contract for the performance of any work for the Corporation (other than that of providing services as a Member of Council).

3.06 Purchases from the Corporation: Subject to the provisions of Section 3.07, no Member of Council may bid on surplus items or surplus realty being sold by the Corporation, including properties being sold under the tax collection provisions of the Act.

3.07 Exemption: If an item or a property that has been offered for sale to the public remains unsold after the sale process because no acceptable qualifying purchase bid was received, Council may repeat the public sale process in a manner which involves sealed bids, and in a manner which

makes it clear to the general public that bids from Members of Council will be permitted in the repeated public sale process. No Member of Council interested in submitting a bid on an item or property shall participate in the decision-making process as to whether or not to conduct a subsequent sale. Any member of Council who does participate in that decision-making process may not submit a bid.

3.08 **No Bias or Preferential Treatment**: Members of Council shall not discriminate against any individuals or associations seeking goods or services provided by the Corporation. Members of Council shall not show undue favour or preference in seeking provision of the Corporation's services.

3.09 **Confidentiality**: Information received in confidence shall not be disclosed except in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, or in accordance with other applicable law. This includes all information received – whether it is received orally or in written or electronic format.

3.10 **Media**: The head of Council is the only Member of Council who is authorized to communicate with the media without the approval of Council as a whole.

ARTICLE FOUR: Council Responsibilities Outside the Corporation's Business

4.01 **Association**: Although a Member of Council's business outside the Corporation may not appear to have anything to do with his or her office with the Corporation, the fact that he or she is a public official will be apparent and within the knowledge of the general public. Accordingly, the Member of Council may be perceived as representing the Corporation or the Council even if he or she is not intending to do so. For that reason, Members of Council will abide by this By-law in all courses of his or her conduct. Where he or she makes a decision to act otherwise, he or she will make it clearly known that he or she is acting in a personal capacity. One example might be writing a "letter to the editor" on any particular subject matter. The Member of Council shall make it clear in all aspects of making the submission, directly and indirectly, that it is not made on behalf of the Corporation or the Council. To that end, he or she will not use his or her title (i.e. "councillor" or "mayor") in sending the correspondence, nor send it from an email address associated with his or her office. For clarity, this clause applies to all forms of communication, including postings on personal social media sites.

4.02 **Use of Corporation's Property**: Members of Council may not use the Corporation's property, including its website or other communication tools, for any purpose other than for the Corporation's business without the prior authorization by the Council as a whole.

4.03 **Use of information**: Information obtained by a Member of Council in the course of conduct of the Corporation's business may be used only for purpose for which it was provided. No Member of Council shall use information he or she obtained as a Member of Council for any other purpose.

4.04 **Elections/campaigning:** A Member of Council running for office for any order of government, or supporting a candidate for any such office must abide by the rules set out in this Section 4.04.

- a) He or she may not undertake campaign-related activities on the Corporation's property (excluding its roads and any public gathering-places which have been booked or are permitted to be used for such a purpose).
- b) He or she may not use the services of a person who is at the same time receiving compensation from the Corporation for municipal services.
- c) He or she may not use the Corporation's materials or resources for election-related purposes. This includes: the Corporation's letterhead, website, email addresses, photographs or videos produced (in any format) by the Corporation's staff; or data, such as mailing lists, prepared by the Corporation for its business purposes.
- d) He or she may not erect or display any campaign signs or other election-related material at the Corporation's office or at its garage properties.

For clarity, this Section of the By-law does not prevent a Member of Council from using information (reports, pictures, etc.) that are in the public domain and are not subject to copyright.

ARTICLE FIVE: Working Relationships

5.01 **Respect:** Members of Council shall treat one another, the staff and volunteers of the Corporation and the ratepayers of, and visitors to, the Corporation with respect. No person or organization shall be subject to having his, her or its ethical reputation or professional capacity falsely maligned by any Member of Council. All persons shall be treated by Members of Council with dignity, understanding and respect.

5.02 **Work Assignments:** Only Council as a whole has the authority to approve budgets, policies, processes or other matters. Members of Council may not individually direct the actions of the Corporation's staff.

5.03 **Municipal Assets:** The Corporation's resources, whether in the form of its staff, its information (in any format), its real estate or its tangible assets, are to be used only for the conduct of the Corporation's business.

5.04 **Respect for the Integrity Commissioner:** Where the Integrity Commissioner is called upon to investigate and report on a complaint that a Member of Council has acted in a manner contrary to this By-law, the Member of Council shall fully comply with the Integrity Commissioner's requests for information, and shall respect the authority and obligation of the Integrity Commissioner to undertake a thorough investigation into the allegations. The Integrity Commissioner shall be treated with dignity and respect by all Members of Council.

5.05 Protection for Complainants: Persons who submit complaints, in good faith, with respect to the actions of any Member of Council are not subject to reprisals in any manner from any Member of Council or from Council as a whole, for having made such a complaint.

ARTICLE SIX: General Provisions

6.01 Review: This By-law shall be formally reviewed once during every term of Council.

6.02 Repeal: By-law 753-2008 is repealed.

6.03 Effective Date: This By-law shall take effect on the date it is passed.

ENACTED AND PASSED IN COUNCIL this 22nd day of December, 2015 as witnessed by the corporate seal of the Corporation and the hands of its proper Officers duly authorized in that behalf.

**THE CORPORATION OF THE
MUNICIPALITY OF NEEBING**



Mayor



Solicitor-Clerk



Read for a first and second time this 22nd day of December, 2015.

Read for a third time and finally passed this 22nd day of December, 2015.