

MUNICIPALITY OF HURON SHORES
MEMBERS OF COUNCIL
CODE OF CONDUCT



MUNICIPALITY OF HURON SHORES

MEMBERS OF COUNCIL

CODE OF CONDUCT

1. PURPOSE

The purpose of this policy is to establish guidelines for ethical standards of conduct for Members of Council in order to:

- a. Protect the public interest;
- b. Encourage high ethical standards among Municipal Members of Council;
- c. Provide a universal understanding of the fundamental rights, privileges, and obligations of Members of Council;
- d. Provide a means for Members of Council to obtain guidance for contemplated conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct; and
- e. Set out the means of correcting unethical conduct.

2. DEFINITIONS

- a. **Members of Council** – includes the Mayor and Members of Council of the Corporation of the Municipality of Huron Shores.
- b. **Public Comment** – disclosures made in a public speech, lecture, radio or television broadcast, in the press or book form.
- c. **Confidential Information** - while the classification of information as “confidential” is a matter of Council discretion whether labeled as confidential or not, disclosure of information will not constitute a breach of the Code of Conduct unless that information is of an inherently confidential nature such as:
 - i. Personal data of employees or others.
 - ii. Records related to internal policies and practices, which if disclosed, may prejudice the effective performance of a municipal operation.
 - iii. Records of a financial nature reflecting information given or accumulated in confidence.
 - iv. Files prepared in connection with litigation and adjudicative proceedings.

- v. Reports of consultants, policy drafts and internal communications, which, if disclosed, may prejudice the effective operation of the Municipality.
- d. **Municipality** – includes the Corporation of the Municipality of Huron Shores.

3. STATUTORY PROVISIONS REGULATING CONDUCT

This Code of Conduct is supplemental to the existing statutes governing the conduct of members including:

- a. *Municipal Act, 2001, s.223.2(1), as amended;*
- b. *Municipal Conflict of Interest Act;*
- c. *Occupational Health and Safety Act Amendment 2009 (Violence and Harassment in the Workplace)*
- d. *Municipal Elections Act, 1996, as amended;*
- e. *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA);*
- f. *Ontario Human Rights Code*
- g. *The Criminal Code of Canada*

The *Municipal Act* enables a municipality to pass a by-law establishing a Code of Conduct for Members of Council.

The aim of the Code of Conduct is to set minimum standards for behaviour of Members of Council in carrying out their municipal roles and functions. The Code governs the conduct of elected officials during meetings of Council, and daily activities relating to Council matters.

4. APPLICATION OF THE CODE OF CONDUCT

This Code of Conduct applies to all Members of Council.

5. GENERAL INTEGRITY

Members of Council shall abide by the provisions of the *Human Rights Code* and, in doing so, shall treat every person including other Members of Council, Committees, Boards, corporate employees, individuals providing services on a contract basis and the public, with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment.

Members of Council shall endeavour to perform their official duties with integrity, and serve their constituents in a conscientious and diligent manner, in accordance with the Declaration of Office as follows:

- a. To truly, faithfully and impartially exercise their office to the best of their knowledge and ability;
- b. To not receive any payment or reward, or promise thereof, for the exercise of this office in a biased, corrupt or in any other improper manner; and
- c. To disclose any pecuniary interest, direct or indirect, in accordance with the *Municipal Conflict of Interest Act*.

6. CONFIDENTIAL INFORMATION

- a. It is the responsibility of Members to ensure that confidential information is kept strictly confidential and not released without the approval of Council, or Committee of Council.
- b. Members shall not directly or indirectly, release, make public or divulge any information related to closed deliberations of Council or a Committee of Council, unless expressly authorized by Council or the Committee of Council.
- c. Confidential information includes information in the possession of the Municipality that the Municipality is either prohibited from disclosing, or is required to refuse to disclose under the *Municipal Freedom of Information and Protections of Privacy Act* (MFIPPA), or other legislation.

7. USE OF MUNICIPAL PROPERTY

- a. Municipal property, including equipment, supplies or services, shall not be used other than for purposes of the discharge of Council duties, unless outlined otherwise in specific policies (i.e. travel policy).
- b. Members should not obtain financial gain from the use or sale of the Municipality's intellectual property, computer programs, technological innovations, or other patent, trademark, or copyright held by the Municipality.

8. CONDUCT AT COUNCIL/COMMITTEES OF COUNCIL MEETINGS

- a. Members shall conduct themselves with decorum at meetings, in accordance with the provisions of the Municipal Procedural By-law.

- b. Members of Council shall communicate accurately the decision of Council or Committees, in such a manner that shows respect for the decision making process of Council or Committees, whether they agree or not, with specific decisions.

9. INCOMPATIBLE ACTIVITY

Members of Council shall refrain from the following:

- a. The use of any influence of office for any purpose other than official duties;
- b. Acting as an agent before Council or any committee or board of Council if a personal pecuniary interest is involved;
- c. Soliciting, demanding or accepting the services, without remuneration, of any corporation, employee, or individual providing services to the Municipality at a time in which said person or corporation is being paid by the Municipality;
- d. Placing themselves in a position of obligation to any person or organization which might benefit from special consideration or that may seek preferential treatment.

10. CONDUCT WITH STAFF

Under the direction of the Clerk/Administrator, or designate, staff serves the Council as a whole, and the combined interests of all members as evidenced through the decisions of Council. Therefore:

- a. No Member of Council shall maliciously or falsely harm the professional or ethical reputation, or the prospects or practice of staff. All Members shall show respect for the professional capacities of the staff of the Municipality of Huron Shores.
- b. Members of Council shall be respectful of the role of staff to advise without due influence from any individual Member or group of the Council.
- c. No Member of Council shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing such activities.
- d. Members of Council shall not use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering with the person's duties, including the duty to disclose improper activity.

11. BREACHES OF THE CODE OF CONDUCT

- a. Any Member of Council who has witnessed behavior or an activity they believe is in contravention of the Council Code of Conduct is encouraged to initially pursue a complaint informally by advising the Member of the contravention, and encouraging the Member to cease the behaviour or activity that is prohibited by the Code.
- a. Any Member of Council may submit a confidential written allegation of a breach of the Code of Conduct for Council to the Clerk/Administrator.
- b. The Code of Conduct makes no provision for addressing anonymous complaints.
- c. An allegation must contain all of the facts available at the time it is made, including the name of the alleged offender, how the member became aware of the misconduct, the nature of the misconduct, names of witnesses, and the date, time and location of the alleged misconduct.
- d. The written allegation of misconduct must be delivered to the Clerk/Administrator who then provides a copy to the Head of Council and to each Member of Council. The alleged offender must be given a copy of the written allegation, and given an opportunity to respond to the allegation in writing to the Head of Council within seven (7) days. Any such response must also be provided to each Member of Council.
- e. The Clerk/Administrator shall hold the allegation in confidence and shall place the personal matter on the next Regular or Special Meeting of Council Agenda, in Closed Session.
- f. When the matter is addressed at the next Council Meeting, in Closed Session, the Party that is the subject of the allegation may ask to have the matter tabled to allow said Party to obtain legal counsel. In such case, a second Meeting of Council, in Closed Session, will be called no sooner than seven (7) days from the date of the above referenced Council Meeting. The Party, so alleged, may then introduce evidence including witnesses and legal counsel to support his or her position.
- g. Should Council determine that a Member has potentially breached a policy of the Code of Conduct, Council shall report that such a determination has been made and pass a resolution as to the outcome and the consequences for such breach. The breach shall be ratified by resolution in ***open session*** of Council.
- h. The Head of Council shall deal with the allegation within twenty-one (21) days after receiving it and shall recommend, in writing, to Council at the following Regular Council meeting, any penalty to be applied. If the allegation is concerning the Head of Council, the allegation shall be dealt with by the Acting Mayor.
- i. If the Member who made the allegation or the alleged offender is not

satisfied with the recommendation from the Head of Council, he or she will be permitted the opportunity to address Council at the same meeting that the Head of Council's recommendation is being considered. Council may either accept the recommendation from the Head of Council or impose its own penalty.

12. PENALTIES FOR CODE OF CONDUCT VIOLATIONS

- a. Written reprimand.
- b. Suspension of the remuneration paid to the Member of Council for his or her services as a Member of Council, or a Committee of Council, for a period of up to ninety (90) days.
- c. Penalties as applicable under any other existing statutes as noted in Section 3.