

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2014-13

**Being a By-law to adopt Code of Ethics and Conduct for Members of
Council**

WHEREAS the Council of the Municipality of Magnetawan deems it in the public interest to establish a policy for ethics and conduct for Members of Council;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF
MAGNETAWAN ENACTS AS FOLLOWS:**

1. That the attached policy, referred as Appendix 'A' to this by-law, be adopted.
2. That this by-law be effective upon its adoption.

Adopted this 11th day of June 2014.



Mayor, Sam Dunnett



Clerk-Administrator, Roger Labelle

APPENDIX 'A'

to By- Law no. 2014-13

MUNICIPALITY OF MAGNETAWAN

CODE OF ETHICS AND CONDUCT

For Members of Council

1. INTRODUCTION

The Municipality of Magnetawan believes and expects that its Members will adhere to the highest standards of personal and professional competence, integrity and impartiality to ensure public confidence and trust is maintained.

2. DEFINITIONS

In this Code, the following words or terms shall have the meanings ascribed thereto:

- a. "Confidential Information" includes the following:
 - i. any information in the possession of, or received in confidence by the City, that the city is prohibited from disclosing, or has decided to refuse to disclose, under the *Municipal freedom of Information and Protection of Privacy Act*, or any other law;
 - ii. information of a corporate, commercial, scientific or technical nature received in confidence from third parties: personal information, information that is subject to solicitor-client privilege; information that concerns any confidential matters pertaining to personnel labour relations, litigation, property acquisition, the security of the property of the municipality or a local board; any other information lawfully determined by the Council or the local board to be confidential, or required to remain or be kept confidential by legislation or order;
 - iii. a matter, the substance of a matter, and information pertaining to a matter, that has been debated or discussed at a meeting closed to the public, unless the matter is subsequently discussed in open Council or it is authorized to be released by Council/the local board or otherwise by law;
 - iv. reports of consultants, draft documents and internal communications, which, if disclosed may prejudice the reputation of the Municipality, its officers and employees, or its effective operation;
 - v. information concerning litigation, negotiation or personnel matters;
 - vi. information, the publication of which may infringe on the rights of any person (e.g., source of a complaint where the identity of a complaint is

given in confidence).

- b. "Members" - includes the Mayor and Members of Council and members of all local boards as defined in Section 223.1 of the *Municipal Act*.

3. **CORE PRINCIPLES**

The core principles of this Code of Ethics and Conduct are as follows:

- a. A democratic and representative municipal government must have, as its base, decision makers who are independent, impartial, responsible to the people and respectful of the decision making process.
- b. The governing structure of the municipality must be open such that decision making is transparent, accessible and equitable.
- c. Conflicts between private interests and public responsibilities must be avoided as public office is not to be used for personal gain.
- d. Members of Council and Local Boards, are leaders of the community, and will be held to a high standard of behaviour and conduct.
- e. Holding an elected or appointed office is a privilege which carries significant responsibilities and obligations; No member shall use the influence of office for any purpose other than for the exercise of official duties.
- f. There must be respect for the differences and commitment to work co-operatively in the public interest.

4. **SPECIFIC GUIDELINES**

Members must discharge their duties in accordance with the core principles and with regard to the integrity of the Municipal Corporation. To assist in their discharge of these duties specific guidelines, which follow, have been adopted to assist the members and the public in understanding how such core principles apply:

a. **Guideline 1: Use of Information**

- i. In the decision-making process, Members are sometimes privy to confidential information (including in particular, that information disclosed during or in preparation for "In Camera" meetings). It is expected that Members shall:
 - (1) Use confidential information appropriately and in furtherance of the matter before the decision maker and not for personal advantage;
 - (2) Use confidential information appropriately so as not to cause

- loss or damage to the Municipality;
- (3) Respect the status of confidential information (including documentation and/or deliberation) by not disclosing such information until the matter ceases to be confidential as determined by Council;
- (4) Understand that they share the same access rights to municipal information as any other member of the community, unless it is specifically relevant to a matter before the Council; in furtherance of this guideline, members have no authority to enter municipal offices to review material in a municipal file unless specifically authorized;
- (5) Only release information in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended; and
- (6) Continue their obligation to keep Information confidential even if they cease to be a member of Council.

ii. Particular care should be exercised in ensuring confidentiality of the following:

- (1) Information relating to the security of the property of the Municipality;
- (2) Personal matters about an identifiable individual, including municipal employees;
- (3) Proposed or pending acquisition or disposition of land by the municipality; labour relations or employee negotiations including collective bargaining;
- (4) Litigation or potential litigation, Including matters before administrative tribunals, affecting the municipality;
- (5) Advice that is subject to solicitor-client privilege, including communication necessary for that purpose;
- (6) Sources of complaints where the Identity of the complainant is given in confidence;
- (7) Information about suppliers provided for evaluation which is of a proprietary nature or might be useful to other suppliers;
- (8) Any information in relation to procurement process that is currently in process including but not limited tenders, RFPs, RFQs that have or will be issued but have not been awarded; and
- (9) Schedules of prices in procurement documents submitted to the Municipality.

b. Guideline 2: Communications and Media Relations

- i. Members of Council will accurately and adequately communicate the decisions of Council, even if they disagree with a majority decision of Council so that there is respect for the decision making

processes of Council.

- ii. Official information related to decisions made by Council will normally be communicated to the community and the media (at the first instance) , in an official capacity, by the Mayor and assigned staff member (normally the Clerk-Administrator).
- iii. Information concerning adopted policies, procedures and decisions of the Council must be conveyed openly and accurately.
- iv. Confidential information will be communicated only when and after determined by Council and in accordance with MFIPPA (if applicable).

c. Guideline: Relationships with Staff

- i. Members shall acknowledge that only Council as a whole has the capacity to direct staff members to carry out specific tasks or functions, unless an individual member has been specifically assigned to do so.
- ii. Members shall refrain from using their position to influence staff in the conduct of their duties or functions or to gain an advantage for themselves or others.
- iii. Members shall refrain from publicly criticizing individual members of staff in a way that casts aspersions on their professional competence and credibility.

d. Guideline 3: Gifts, Hospitality and Benefits

- i. Members will only accept gifts, hospitality or entertainment of a nominal value that are received as an incident of protocol or social obligations that normally accompany the responsibilities of office, but could not be reasonably construed as being given in anticipation or recognition of special consideration by the Municipality and hospitality or entertainment if the offer is infrequent (less than 2 or 3 times a year) and appropriate to the occasion. In these circumstances it is assumed that the nature of the business discussed is important enough to the Town that reciprocal arrangements should openly be made and charged to the Town. Any gifts, benefits or hospitality that exceeds these guidelines shall be returned and the member shall provide an explanation to the donee that this Code precludes acceptance.
- ii. Gifts, souvenirs or mementos accepted that have a greater than nominal value, shall be the property of the Municipality.
- iii. The Mayor will in his/her role, periodically receive and distribute ceremonial or other similar items.
- iv. Members of Council may accept the following:
 - (1) Municipal election campaign contributions that are offered, accepted and reported In accordance with the Municipal Elections Act, 1996, 8.0. 1996, c. 32, as

amended;

- (2) Services provided by a person volunteering their time;
- (3) Food, lodging, transportation and entertainment provided by other levels of government or boards or commissions; and
- (4) Reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations or agencies.

e. Guideline 5: Conflicts of Interest

- i. Members will familiarize themselves with and recognize their obligations to follow and respect both the letter and spirit of the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended from time to time (the "Municipal Act"), and the *Municipal Conflict of Interest Act, R.S.O. 1990 c. M. 50* as amended from time to time.
- ii. Members understand that the duty to determine whether they have a conflict of interest rests upon them individually and that should they require advice, that such advice should not be solicited from staff or professionals engaged by the Municipality and that any cost of obtaining such advice must be borne by the member themselves.

f. Guideline 6: Use of Municipal Property Members

- i. Members shall only use Town property (including, but not limited to, real property, municipal vehicles, equipment, material, supplies, Intellectual property and documents) or services of consequence, for activities connected with the discharge of official duties or associated community activities having the sanction of Council or its Committees.
- ii. Members shall not seek to or obtain actual financial gain from the use of Municipally-developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter as all such property remains the exclusive property of the Municipality.

g. Guideline 7: Transparency & Openness in Decision Making

- i. Members will endeavour to conduct and convey Municipal decision making in an open and public manner (other than for those matters which may be discussed in Closed Session as permitted by the *Municipal Act, 2001*) so that stakeholders are aware of the process, logic and rationale which was used to reach such decisions.

h. Guideline 8: Public Input

- i. Council will periodically use formal and informal opportunities to seek public input as a component of the decision-making process

which have broad impacts on the community. The purpose of the exercise will be to provide stakeholders with a mechanism to provide opinions and advice so that the widest range of views and information is available before final decisions are made.

i. Guideline 9: Conduct at Meetings

- i. During Council, General Committee or any another advisory committee meetings, or working group meetings, Members shall conduct themselves with decorum and in accordance with the Municipality's Procedural By-law. Respect for delegations and for fellow Members and staff requires that all Members show courtesy and not distract from the business of Council during presentations and when other members have the floor.

j. Guideline: Harassment

- i. Harassment of another Council Member, staff or any member of the public is prohibited under Ontario's Human Rights Code, R.S.O. 1990, c. H.19, as amended (the "Ontario Human Rights Code"). In accordance with the Ontario Human Rights Code and the Municipality's Policy on Harassment, Members shall treat all persons with dignity and respect in connection with their duties and in an environment free of discrimination and of personal and/or sexual harassment.
- ii. Harassment, wherever it occurs, if during the member's conduct or furtherance of their duties as a member or their functions as a representative of the Municipality, is considered to be harassment and is inappropriate behaviour for the purpose of this Code.
- iii. Harassment includes, but is not limited to, any behaviour, conduct or comment by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status and any other grounds under the provisions of the Ontario Human Rights Code.
- iv. Any complaints of harassment will be investigated in accordance with the procedures set out in the Municipality's Policy on Harassment.

k. Guideline 11: Professional Development

- i. Members have an obligation to promote, support, pursue and partake in opportunities for professional development, including but not limited to:
 - (1) Conferences held and/or sponsored by recognized municipally related organizations;

- (2) Seminars conducted by a Ministry of the Provincial Government; Municipal Affairs and Housing seminars;
- ii. Council Members are encouraged to stay updated on issues and trends so that they can be as efficient and effective as possible in the carriage of their duties and responsibilities.

5. **IMPLEMENTATION**

- a. At the beginning of each term, Members of Council will be expected to sign two copies of this Code (one (1) for themselves and one (1) for the Clerk-Administrator's Office) to convey to each other and all stakeholders that they have read, understand and accept it.
- b. A review of this Code will be included as part of the orientation workshop for each new Council.
- c. Council Members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis or when so requested by Council.
- d. Councillors and members of the public should not assume that any unethical activities not covered by or not specifically prohibited by these ethical standards of conduct, or by any legislation, are therefore condoned.
- e. Protection from Retaliation - any employee who files a complaint of a contravention of this Code will not be subject to any form of penalty or reprisal provided the complaint is made in good faith and in the reasonable belief that a contravention of the Code has occurred.

6. **COMPLIANCE WITH THE CODE**

- a. Upon receipt of the Integrity Commissioner's recommendations, Council may impose either of the following two penalties where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the Code of Conduct:
 - i. A reprimand; or
 - ii. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or the local board, as the case may be, for a period of up to 90 days.
- b. In addition or as an alternative to the sanctions set out in section 5.1, the Integrity Commissioner may also recommend that Council take the following actions:

- i. removal from membership of a Committee;
- ii. removal as Chair of a Committee;
- iii. repayment or reimbursement of moneys received;
- iv. return of property or reimbursement of its value;
- v. a written and/or verbal request for an apology to the appropriate recipient.