



CORPORATION OF THE MUNICIPALITY OF WEST GREY  
RESOLUTION

MOVED BY: [Signature] NO. 285-12

SECONDED BY: [Signature] SESSION: November 5, 2012

BE IT RESOLVED THAT, By-law Number 52-2012, being a By-law to approve a Code of Conduct for Members of Council, be now read a first, second and third time, passed and numbered and that the said by-law be signed by the Mayor and CAO, sealed with the seal of the Corporation and be engrossed in the by-law book.

CARRIED \_\_\_\_\_ DEFEATED / MAYOR [Signature]

\*\*\*\*\*

- John A. Bell
- Bev Cutting
- John Eccles
- Kevin Eccles
- Carol Lawrence
- Don B. Marshall
- David Mollison
- Mark Rapke
- Rob Thompson

FOR	AGAINST
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DECLARATION OF PECUNIARY INTEREST OR THE GENERAL NATURE THEREOF:

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**CORPORATION OF THE MUNICIPALITY OF WEST GREY**

**BY-LAW NUMBER 52 - 2012**

**BEING**, a By-law to approve a Code of Conduct for Members of Council;

**WHEREAS**, Subsection 223.2(1) of the Municipal Act, 2001, authorizes a municipality to establish codes of conduct for members of council;

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST GREY ENACTS AS FOLLOWS:**

1. That Policy Number Co-01-12 attached as Schedule "A" and forming part of this by-law, being a Code of Conduct for Members of Council, is hereby approved.
2. That this By-law shall come into force and take effect on December 1, 2014.

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Read a first and second time this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Read a third time and finally passed, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor – Kevin Eccles

\_\_\_\_\_  
CAO – Christine Robinson

**SCHEDULE "A" TO BY-LAW NUMBER 52 - 2012**

**MUNICIPALITY OF**

***West  
Grey***

**CODE OF CONDUCT FOR MEMBERS OF  
COUNCIL – POLICY NUMBER: Co-01-12**



<b>Section:</b> Council	<b>Policy Number:</b> Co-01-12
<b>Sub-section:</b>	<b>Effective Date:</b> November 5, 2012 (Council)
<b>Subject:</b> Code of Conduct for Members of Council	<b>Revision Date:</b>

## Code of Conduct for Members of Council

### Policy Statement

The policy direction for the behaviour of Members of Council in the performance of their duties and responsibilities as elected officials.

### Purpose

Subsection 223.2(1) of the *Municipal Act, 2001* authorizes a municipality to establish codes of conduct for members of the council of the municipality and of local boards. Subsection 223.3(1) also authorizes a municipality to appoint an Integrity Commissioner who would be responsible for performing in an independent manner the functions assigned by Council with regard to the application of a Code of Conduct. Such an appointment is not contemplated by this Policy at this time.

The Code of Conduct sets minimum standards for the behaviour of Council Members in carrying out their functions. It has been developed to assist Council to:

1. Understand the standards of conduct that are expected of them and the law that applies in relation to these standards;
2. Fulfill their duty to act honestly and exercise reasonable care and diligence; and
3. Act in a way that enhances public confidence in local government.

### Application

This Policy applies to Members of the Council of The Corporation of the Municipality of West Grey in the performance of their duties and responsibilities as elected officials, including the Members of Council serving on agencies, boards and committees.

This Policy will come into effect December 1, 2014, with the 2014-2018 term of Council.

## Definitions

Municipality – means The Corporation of the Municipality of West Grey.

Members of Council – means Members of The West Grey Council.

## Procedures

### 1. Statement of Principle

A written Code of Conduct helps to ensure that the Members of Council share a common basis of acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the Members of Council must operate. These standards should serve to enhance public confidence that the West Grey elected representatives operate from a base of integrity, justice and courtesy.

Members of Council are responsible for making honest statements. No member of Council shall make a statement when they know that statement is false. No member of Council shall make a statement with the intent to mislead Council Members and the public.

The Municipality of West Grey's Code of Conduct is a general standard that augments Provincial laws and municipal policies and by-laws that govern conduct. It is not intended to replace personal ethics.

This Code of Conduct is consistent with the existing statutes governing the conduct of Members of Council (the *Municipal Act, 2001*, the *Municipal Conflict of Interest Act* and the *Municipal Freedom of Information and Protection of Privacy Act*). The Criminal Code of Canada also governs the conduct of Members of Council.

All Members of Council shall serve their constituents in a conscientious and diligent manner. No Member of Council shall use the influence of office for any purpose other than the exercise of his or her official duties.

## **2. Gifts and Benefits**

No Member of Council shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly to the performance of his or her duties of office, unless permitted by law. Members of Council shall make decisions based on impartial and objective assessment, free from the influence of gifts, favours, hospitality and entertainment.

Members of Council shall decline any personal gift where the acceptance of such gift would imply a contractual agreement with or obligation to the donor.

This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits up to and including a value of \$300.00 that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of office. Tokens, mementoes, souvenirs or gifts with a value of greater than \$300.00 shall be the property of the Municipality.

No Member of Council shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to Municipal services not otherwise available to the general public and not consequent to his or her official duties.

Exceptions to Section 2 shall be approved by the Mayor and in circumstances when the exception is for the Mayor, the West Grey Council shall approve the exception.

## **3. Confidentiality**

All information, documentation or deliberation received, reviewed or taken in closed session of Council and its Committee(s) is confidential.

Members of Council shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required by law to do so. Where a matter has been discussed at a closed session meeting and the information remains confidential, no Member of Council shall disclose the content of the matter or the substance of deliberations of the closed session meeting.

Members of Council shall not permit any persons other than those who are entitled thereto to have access to information that is confidential.

Particular care should be exercised in ensuring confidentiality of the following types of information:

- Labour relations and personnel matters;
- Information about suppliers provided for evaluation which might be useful to other suppliers;
- Matters relating to the legal affairs of the Municipality of West Grey;
- Information that infringes on the rights of others (i.e. sources of complaints where the identity of the complainant was given in confidence);
- Items under litigation or negotiation;
- Price schedules in contract tender or Request for Proposal submissions if so specified;
- Information deemed to be “personal information” under the *Municipal Freedom of Information and Protection of Privacy Act*; and
- Statistical data required by law not to be released (e.g. certain census or assessment data).

This list is provided as an example and is not exclusive. It is recommended that requests for information be referred to the Office of the Clerk to be addressed as either an informal request for access to municipal records or as a formal request under the *Municipal Freedom of Information and Protection of Privacy Act*.

#### **4. Use of Municipal Property**

Subject to Section 5, no Member of Council shall use for personal purposes any Municipal property, equipment, services, supplies or services of consequence other than for purposes connected with the discharge of Municipal duties or associated community activities of which West Grey Council has been advised.

No Member of Council shall obtain financial gain from the use of Municipal developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains exclusive property of the Municipality of West Grey.

No Member of Council shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties.

## **5. Use of Municipal Technology Resources**

The Municipality of West Grey licenses the use of computer software from a variety of vendors. Software is normally copyrighted and no individual may copy or distribute the software unless expressly permitted to do so under the applicable licence.

## **6. Work of a Political / Personal Nature**

No Member of Council shall use Municipal facilities, services or property for his or her election or re-election campaign. Further, no Member of Council shall use the services of Municipal employees for his or her election or re-election campaign, during hours in which the employees are in the paid employment of the Municipality.

No Member of Council shall use Municipal facilities, services or property for his or personal business gain. No Member of Council shall use the services of Municipal employees for his or her personal business during the hours in which the employees are in the paid employment of the Municipality.

## **7. Conduct at Meetings**

Members of Council shall conduct themselves with decorum at Council and Committee meetings in accordance with the provisions of the Municipality's Procedural By-law.

Respect for deputations and for fellow Members of Council and Staff requires that all Members of Council show courtesy and not distract from the business of Council and Committee during presentations and when other Members of Council have the floor.

## **8. Representing the Municipality**

Members of Council shall make every effort to participate diligently in the activities of the agencies, committees and local boards to which they are appointed.



**9. Influence on Staff**

Members of Council shall comply with Respect in the Workplace (Harassment and Violence) Policy and shall be respectful of the fact that Staff work for the Municipality as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective. Members of Council shall be further respectful of the fact that Staff carry out directions of Council and administer the policies of the Municipality and are required to do so without any undue influence from any individual Member of Council or group of Members of Council.

**10. Business Relations**

No Member of Council shall borrow money from any person who regularly does business with the Municipality unless such person represents an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

No Member of Council shall act as a paid agent before Council or any Committee of Council at which the Municipality is represented.

**11. Expenses**

Members of Council shall comply with the provisions of the Municipality's applicable policies relative to per diem payments and expenses governing reimbursement for attendance at conferences, seminars, training courses and workshops.

Members of Council shall be reimbursed out-of-pocket expenses incurred in accordance with approved Municipal policies while attending official functions and representing the Municipality in their official capacity.

**12. Encouragement of Respect for the Municipality and its By-Laws and Policies**

Members of Council shall encourage public respect for the Municipality, its by-laws and policies.

### **13. Harassment**

Harassment is prohibited under both the Ministry of Labour statutes, the *Ontario Human Rights Code* and Corporate Policy. Discrimination or harassment of another Member of Council, Staff or any member of the public is misconduct. All persons shall be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

Harassment may be defined as any behaviour 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*.

### **14. Interpretation**

Members of Council seeking clarification of any part of this Code of Conduct should consult with their solicitor.

### **15. Complaints**

The Mayor may commence an investigation of any potential breach of this Code of Conduct on his or her own accord or in response to a written complaint in the following manner:

- a) Investigate within 30 days of receipt of a formal written request and prepare a written report and recommendation for Council. Additional time, if justified, may be authorized by a resolution of Council.
- b) Determine if a Member of Council or Members of Council have committed a breach of the Code of Conduct.
- c) Recommend disciplinary action as set out in the *Municipal Act, 2001*.

The Mayor may consult with legal counsel or any other person as may be required in determining points of law or any other matter.

In the event that the complaint relates to the Mayor, the written submission will be made to the West Grey Council or Delegate who shall have the duties and responsibilities of the Mayor to investigate following the provisions of this Section.

### References and Related Policies

- *Municipal Act;*
- *Municipal Conflict of Interest Act;*
- *Municipal Elections Act;*
- *Municipal Freedom of Information and Protection of Privacy Act;*
- *Criminal Code of Canada;*
- Oath of Elected Office;
- Respect in the Workplace (Harassment and Violence) Policy;
- Dress Code – Members of Council Policy;
- Paid Work for the Municipality – Members of Council Policy;
- Accountability and Transparency Policy;
- West Grey Procedural By-law;
- West Grey Strategic Plan;
- West Grey By-laws and Resolutions.

Note: The above reference listing is not all inclusive. Other legislation and corporate policies might be relevant and new ones approved.

### Consequences of Non-Compliance

The Council of the Municipality of West Grey may impose either of the following penalties on a Member of Council, if the Member of Council has contravened the Code of Conduct (Penalties described in subsection 223.4(5) of the *Municipal Act, 2001*):

1. A reprimand.
2. Suspension of the remuneration paid to the Member of Council in respect of his or her services as a Member of Council or local board, as the case may be, for a period of up to 90 days.