



City of Brockville Policy

POL.COU.19.01

Code of Conduct for Members of Council and Local Boards

Policy Type: Corporate Policy (Approved by Council)

Date Approved: 26 February 2019

Department: Administration

Staff Report: 2019-032-02

By-Law Number: n/a

Policy Statement

This Policy is to establish guidelines for ethical and interpersonal standards of conduct for Members of Council and shall also apply to all future Members of Council. This Code of Conduct also applies equally to all Members of Boards and Committees of the Municipality, whether or not a Member of that Board or Committee is also a Member of Council.

Purpose

Subsection 223.2(1) of the *Municipal Act*, 2001 requires a municipality to establish codes of conduct for Members of the council of the municipality and its local boards.

Subsection 223.3(1) also authorizes a municipality to appoint an Integrity Commissioner who is responsible for performing in an independent manner the functions assigned by Council with respect to any or all of the following:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.
3. The application of sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act to members of council and of local boards.
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.

-
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.
 6. Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
 7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*.

Where a municipality has not appointed an Integrity Commissioner, subsection 223.3(1.1) of the *Municipal Act* requires it to make arrangements for all of the responsibilities set out in subsection 223.3(1) to be provided by the Commissioner of another municipality.

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 City of Brockville in the performance of their duties and responsibilities as elected community representatives, as well as Members of City Committees and Local Boards.

Definitions

Municipality: means the Corporation of the City of Brockville.

Members: means members of council, City committees and Local Boards of the City of Brockville.

Committee: means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the Members are also Members of one or more Councils or local boards.

Local Board: means a local board established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities but does not include the Brockville Police Services Board or the Brockville Public Library Board, a school board, a hospital board or a conservation authority.

Integrity Commissioner: the person appointed by City Council By-Law in accordance with Section 223.3 of the Municipal Act, 2001 and who is responsible for performing in an independent manner the functions set out in subsection 223.3(1) 1-7 and any other functions assigned by the municipality.

Procedures

1. Statement of Principle

A written Code of Conduct helps to ensure that the Members of Council, Committees and Local Boards of the municipality 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 must operate. These standards should serve to enhance public confidence that Brockville's elected and appointed representatives operate from a base of integrity, justice and courtesy.

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

The City of Brockville'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. (i.e. 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 whom this Code of Conduct applies to shall serve their constituents in a conscientious and diligent manner. No Member shall use the influence of office for any purpose other than the exercise of his or her official duties.

2. Gifts and Benefits

Members of Council shall not accept gifts that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved. For these purposes, a gift, benefit or hospitality provided with the Member's knowledge to a Member's spouse, child, or parent is deemed to be a gift to that Member.

Members shall decline any personal gift where the acceptance of such gift would imply a contractual agreement with or obligation to the donor. In particular, Members shall decline any gift, payment, hospitality or entertainment paid for by a person or persons seeking to do business with the City or of anyone known to the Member to be lobbying a Member on behalf of such a person.

This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits up to and including a value of \$100.00 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 \$100.00 shall be the property of the municipality.

3. Acceptance of Event Tickets

Brockville is home to many types of festivals, community and cultural events. Consequently, Members of Council are often expected to attend or are frequently encouraged to attend by being provided with tickets or invitations.

As with gifts, the acceptance of this kind of benefit can appear to be a means of undue influence. While the choice of venues and events they attend is entirely at the discretion of Members of Council, when accepting tickets as a gift or benefit, Members of Council shall observe the following limits:

- To further enhance transparency all tickets of a value exceeding \$50 shall be disclosed annually, along with the disposition thereof (e.g.

who attended with the Member, or if donated, to whom or what organization).

- A limit of two tickets for up to two events from one source in a calendar year is permitted and requires disclosure;
- Accepting any tickets for subsequent events from the same source is prohibited.

This section does not apply to compensation authorized by law, services provided without compensation by persons volunteering their time, a political contribution otherwise reported by law, in the case of Members running for office or food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity.

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

4. Confidentiality

All information, documentation or deliberation received, reviewed or taken in closed session of Council and its Committees and Local Boards is confidential.

Members 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 shall disclose the content of the matter or the substance of deliberations of the closed session meeting.

Members 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 City of Brockville;
 - 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 Clerk’s Office 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.

5. Use of City Property

Subject to Section 6, no Member shall use for personal purposes any City property, equipment, services, supplies or services of consequence other than for purposes connected with the discharge of City duties or associated community activities of which City Council has been advised.

No Member shall obtain financial gain from the use of City developed intellectual property, computer programs, technological innovations or other patentable items, trademarks or copyrights, while an elected official or thereafter. All such property remains the exclusive property of the City of Brockville.

No Member 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.

6. Work of a Political/Personal Nature

Updated July 25, 2023 – Staff Report 2023-121

Members shall comply with City Policy Use of Corporate Resources for Election purposes and no Member shall use City facilities, services or property for his or her re-election campaign. Further, no Member shall use the services of City employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the City.

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

7. Conduct at Meetings

Members shall conduct themselves with decorum at Council, Committee and Local Board meetings in accordance with the provisions of the City'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, Committees and Local Boards during presentations and when other Members have the floor.

8. Representing the City

Members shall make every effort to participate diligently in the activities of the Committees and Local Boards to which they are appointed.

9. Respect for the Role of Staff

Members shall be respectful of the fact that staff work for the City as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective. Members must not falsely or maliciously injure the professional reputation of staff Members. Members shall be respectful of the fact that staff carry out the directions of Council 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 of Council.

Where a Member has a concern about personnel matters, he or she should speak with the Mayor and/or the City Manager about the concern or alternatively raise the issue with Council during a closed session.

Members must not invite or pressure any Member of staff to engage in partisan political activity nor subject staff to discrimination or reprisal for refusing to engage in such activities.

10. Expenses

Members shall comply with the provisions of the City's applicable policies.

11. Encouragement of Respect for the City and its By-Laws and Policies

Members shall encourage public respect for the City and its by-laws and policies. Members shall abide by the provisions of any policies adopted by Council, committees or local Boards which apply to the conduct of Members.

12. Discrimination and Harassment

Members have a duty to treat members of the public and one another with respect and without abuse, bullying or intimidation.

All persons shall be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment. Members are not to engage in any course of conduct or make comments that would constitute workplace 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.

Members are responsible for communications that may constitute harassment, whether in person, in writing, by public comment and on-line, including via social media.

13. Advice

Members seeking information about their responsibilities under this Code of Conduct are encouraged to request advice from the Integrity Commissioner appointed by City Council.

A request by a Member for advice from the Integrity Commissioner under the Code of Conduct, any procedure, rule or policy of the municipality or of the local board, as the case may be, or for advice respecting their obligations under the *Municipal Conflict of Interest Act* shall be made in

writing. If the Integrity Commissioner provides such advice, that advice shall be in writing.

Advice provided by the Integrity Commissioner to a Member may be released with the member's written consent. If a member releases only a part of the advice provided to the member by the Commissioner, the Commissioner may release part or all of the advice provided to the Member without obtaining the Member's consent.

14. Respect for Code of Conduct

Members should respect the process for complaints made under the Code of Conduct. Members shall not act in reprisal or threaten reprisal against a person who makes a complaint or against a person who provides information to the Integrity Commissioner during an investigation.

15. Complaint Process

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

A Complaint must be made in writing, signed by the person making the complaint and accompanied by a supporting affidavit (Sample Attached) and filed with the City Clerk.

The Clerk, upon receipt of a complete complaint shall forward it to the appointed Integrity Commissioner.

Exclusions

This policy does not apply to City Staff, the Brockville Police Service or the Brockville Public Library.

References and Related Policies

- Municipal Act, 2001,
- Municipal Conflict of Interest Act
- Municipal Freedom of Information and Protection of Privacy Act,
- Procedural By-law No. 113-1980,

Consequences of Non-Compliance

Where Council or a Local Board (as applicable) receives a report from the Integrity Commissioner that there has been a violation of the Code of Conduct by a Member of Council or Local Board, Council or the Local Board may impose either of the following penalties on the Member as permitted by the Municipal Act, 2001:

- a) a reprimand;
- b) a suspension of the remuneration paid to the Member in respect of his or her services as a Member of Council for a period up to 90 days.

The Council or the Local Board as the case may be, may, on the basis of a recommendation from the Integrity Commissioner take any or all of the following actions and require that the Member:

- i. provide a written or verbal apology;
- ii. return property or make reimbursement of its value or of money spent;
- iii. be removed from the Membership of a Committee; or
- iv. be removed as chair of a Committee.

Review Cycle

This policy will be reviewed in each term of Council by Council in conjunction with the Integrity Commissioner.

**Formal Complaint Procedure
Affidavit**

Affidavit of:

I, _____ of _____

In the Province of Ontario

Make Oath and Affirm:

1. I have personal knowledge of the facts set out in this affidavit,
because:

2. I have reasonable and probable grounds to believe that a Member of
Brockville Council or Local Board _____
(insert name of Member) has contravened Section(s)
_____ of the Code of 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 / City of _____ in
the Province of Ontario

on this _____ day of _____, 20____ .

Signature of Complainant

Signature of Commissioner of Oaths