



## Township of Uxbridge Council Code of Conduct

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### INTRODUCTION

Section 223.2 of the Municipal Act, S.O. 2001, as amended, authorizes municipalities to establish, by by-law, a Code of Conduct for the members of Council of the municipality and of local boards of the municipality. In addition, the Act provides the opportunity for the municipality to appoint an Integrity Commissioner to investigate and report on alleged breaches of the Code of Conduct.

### 1. PURPOSE

A written Code of Conduct helps to ensure that the Members of Council share a common basis for acceptable conduct. These standards are designed to provide a reference guide and will serve to enhance public confidence that the Township of Uxbridge elected representatives operate from a base of integrity and courtesy.

### 2. APPLICATION

- 2.1 This Code of Conduct applies to Members of Council, including the Mayor.
- 2.2 All Members of Council, Committees and local boards are expected to follow this Code of Conduct, the Council Procedural By-Law and other sources of applicable law. The conduct of Members is also governed by these laws:
  - *Municipal Act, 2001*
  - *Municipal Conflict of Interest Act*
  - *Municipal Elections Act, 1996*
  - *Municipal Freedom of Information and Protection of Privacy Act*
  - *Human Rights Code*
  - *Occupational Health and Safety Act*
  - *Provincial Offences Act*
  - *Criminal Code*

### 3. DEFINITIONS

- 3.1 "Council" shall mean the Council for the Township of Uxbridge;
- 3.2 "Member" means a Member of the Council for the Township of Uxbridge;

3.3 "non-pecuniary interest" means a private or personal interest that a Member may have that is non-financial in nature but that arises from a relationship with a person or entity that would be considered by a reasonable person, apprised of all the circumstances, as being likely to influence the Member's decision in any matter in which the non-pecuniary interest arises;

3.4 "pecuniary interest" is one concerning or consisting of money, an interest that has a monetary or financial value.

#### **4. RESPONSIBILITIES OF COUNCIL**

4.1 All Members 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 their official duties.

4.2 Council is responsible for providing good and effective government for the public in the Township in an accountable and transparent manner.

#### **5. FOSTER RESPECT FOR DECISION-MAKING PROCESS**

5.1 All Members of Council shall accurately and adequately communicate the attitudes and decisions of the Council, even if they disagree with Council's decision, such that respect for the decision-making process of Council is fostered.

#### **6. GENERAL OBLIGATIONS**

6.1 In carrying out their duties, Members are expected to:

- a) make every effort to act with good faith and care;
- b) conduct themselves with integrity, courtesy and respectability at all meetings of Council or Committee and in accordance with the Township's Procedural By-law or other applicable procedural rules and policies;
- c) seek to advance the public interest with honesty;
- d) refrain from making statements known to be false or with the intent to mislead Council or the public; and
- e) refrain from making disparaging comments about another Member or unfounded and speculative accusations about the motives of another Member.

#### **7. CONFIDENTIALITY**

7.1. All information, documentation or deliberation received, reviewed or taken in closed sessions of Council and its Committees are confidential;

- 7.2. 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;
- 7.3. Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential;
- 7.4. Members shall not release information in contravention of the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.
- 7.5. Members shall not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law to do so;
- 7.6. Members shall not misuse confidential information (information that they have knowledge of by virtue of their position on Council that is not in the public domain, including e-mails and correspondence from other Members of Council or third parties) such that it may cause detriment to the Municipality, Council or others.
- 7.7. The obligation to keep information confidential is a continuing obligation even if the Member ceases to be a Member of Council.
- 7.8. Members have the same access rights to municipal information as any other resident of the Township, unless the information relates specifically to a matter before Council.
- 7.9. Requests for information should be referred to the appropriate staff 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*.

## **8. USE OF SOCIAL MEDIA**

- 8.1. The Township of Uxbridge respects and encourages Members of Council to take advantage of various methods of communication, including social media (Facebook, Twitter, Instagram etc.) to maintain communication with the public.
- 8.2. No confidential information can be posted on social media sites. This would include, unpublished details about a project, or agenda items/matters identified as confidential in Council/Committee meetings or correspondence;
- 8.3. Social media is public and as such, social media posts can easily be shared with others. While a Member of Council, you are a representative of the Township of Uxbridge. As such, inappropriate content shall not be posted on an individual website/social media outlet which shall include the following:
  - a) Personal opinions or comments of Township staff or other elected official (individual or collectively);

- b) The use of discriminatory language, including derogatory portrayal of individuals or groups, demeaning language, or anything that could be deemed inappropriate will not be tolerated;
- c) Commercial endorsements or solicitations;
- d) Promotion of illegal activities;
- e) Information which may compromise the safety and security of the public, public systems, Members of Council or staff;
- f) Content that violates a legal ownership interest of any other party;
- g) Statements that could be interpreted as slanderous or libelous.

## **9. GIFTS AND BENEFITS**

- 9.1. No Member of Council shall accept, directly or indirectly, from any person, company, firm or corporation a gift or personal benefit if it can be inferred that the gift was intended to influence the Member in the performance of their duties as an elected Member or that the gift was intended as a reward for any official action on the Member's part.
- 9.2. Notwithstanding clause 9.1 Members may accept the following:
- a) Political contributions that are otherwise offered, accepted and reported in accordance with the applicable law;
  - b) Food and beverages at banquets, receptions, ceremonies or similar events;
  - c) Services provided without compensation by persons volunteering their time;
  - d) Food, lodging, transportation and entertainment provided by other levels of governments or by local governments, boards or commissions;
  - e) An invitation from and at the expense of a private third party to attend a conference, seminar, charity fundraiser, reception, ceremony, cultural event or other similar event where the proceeds raised are to support a not-for-profit organization; and associated gifts provided in recognition of attendance, support or participation.
  - f) A reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations.
- 9.3 This section does not apply to tokens, mementos, souvenirs or such gifts or benefits of a nominal value that are individually received as an incident of protocol or social obligations that normally accompanies the responsibilities of office.
- 9.4 No Member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to Township services not otherwise available to the general public and not consequent to his or her official duties.

## **10. PROCUREMENT OF GOODS AND SERVICES**

- 10.1. No Member shall make personal purchases through the Corporation and all purchases made by the corporation to assist the Member of Council in their fulfillment of their duties (stationary, laptops etc.) shall be in accordance with the municipality's procurement by-law.
- 10.2. Members of Council shall declare any conflict of interest with respect to the procurement of goods and services and shall refrain from the procurement process to which the conflict of interest relates.

## **11. CONFLICT OF INTEREST**

- 11.1. Members shall be responsible to ensure that they are familiar with the application of the Municipal Conflict of Interest Act, as amended;
- 11.2. It shall be the responsibility of each Member, not staff to determine whether they have a direct or indirect pecuniary interest with respect to the matters arising before Council or Committee.
- 11.3. When declaring a Conflict, Members shall file a written statement after the Member has disclosed a pecuniary interest.
- 11.4. Township staff maintain a registry of statements filed and declarations recorded for public inspection.

## **12. ACTIVITIES INCOMPATIBLE WITH DUTIES AS COUNCILLOR**

- 12.1. Members of Council shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of their official duties to represent the public interest. Specifically, Council shall not:
  - a) Use any influence of their office for any purpose other than for their official duties;
  - b) Use their position on Council to obtain the use of, or appropriate for their own benefit, any Township property, equipment, supplies or services of consequence other than for purposes connected with the discharge of duties or associated community activities of which Council has been advised;
  - c) Use any information gained in the execution of their office that is not available to the general public for any purpose other than for their official duties;
  - d) Members shall not obtain financial gain from the use of Township developed intellectual property, computer programs, technological innovations or other kinds of property, while an elected official or thereafter. All such property remains the exclusive property of the Township;

- e) Give preferential treatment to any person or organization in which a Member or Members of Council have a financial interest;
- f) No Member shall identify themselves or otherwise hold themselves, as being the official representative, or contact individual for the Township at large, in connection with any specific event or host any event in their official capacity, unless so approved by Council;
- g) Use corporate materials, equipment, facilities or employees for personal gain or for any private purpose.

12.2 Nothing herein contained, limits the ability of Members to access and utilize Township facilities, services or property that are available to Members of the public provided the Members access them on the same terms and conditions as that required of the public.

### **13. ELECTION ACTIVITY**

- 13.1. Members of Council are required to conduct themselves in accordance with the *Municipal Elections Act, 1996*, as may be amended from time to time, and any Township policies. The use of corporate resources, both property and staff time, for any election-related activity is strictly prohibited. Election-related activity applies to the Member's campaign and any other election campaigns for municipal, provincial or federal office.
- 13.2. Members shall adhere to the Use of Corporate Resources Policy for Election Purposes to ensure accountable and transparent election practices, relating to the use of corporate resources.
- 13.3. Information made available to the public on the municipality's website does not constitute a contribution to a candidate during the election. This information may include the phone number and email address provided by the candidate on their nomination form, as well as a hyperlink to the candidate's website.

### **14. CONDUCT AT COUNCIL/COMMITTEE**

- 14.1 During Council, Committee, special purpose, task force or working group meetings, Members shall conduct themselves with decorum and in accordance with the Township'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 the Council during presentations and when other Members have the floor.
- 14.2 No Member shall speak disrespectfully nor shall they use offensive words against Members of the Council or Members of Municipal Staff
- 14.3 No Member shall speak on any subject other than the subject in debate.

- 14.4 No Member shall disobey the rules of the Council/Committee, or a decision of the Chair or of the Council on questions of order or practice, or of the interpretation of the rules of the Council; and in the case where a Member persists in any such disobedience after having been called to order by the Chair, the Chair may order that such Member leave his seat for the duration of the Meeting of Council or Committee; but if the Member apologizes, they shall be permitted to retake his or her seat.

## **15. DISCRIMINATION AND HARRASSMENT**

- 15.1 All Members have a duty to treat Members of the public, one another and staff with respect and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination and harassment.

## **16. STAFF RELATIONS**

- 16.1. Members shall be respectful of the fact that staff work for the municipality and make recommendations that reflect their professional and technical expertise as well as corporate perspective, without undue influence from any individual Members or group of Members of Council.
- 16.2. Many staff Members are bound through professional associations, to a strict code of ethics in the delivery of services.
- 16.3. Members shall be respectful of the fact that staff carry out the direction 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.
- 16.4. Members shall not use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff Member.

## **17. PROFESSIONAL DEVELOPMENT**

- 17.1. Members of Council are encouraged to promote and participate in opportunities for professional development offered through professional associations, educational workshops and conferences.

## **18. RESPECT FOR THE CODE OF CONDUCT**

- 18.1. Members should respect the process for complaints made under the Code of Conduct or through the Complaint Procedure ( attached hereto as **Schedule "B"**) adopted by the Township. Members shall not act in reprisal or threaten reprisal against a person who makes a complaint or provides information to the Integrity Commissioner during an investigation.
- 18.2. Members are expected to cooperate with requests for information during investigations under the Code of Conduct. Members shall not destroy documents or erase electronic

communications or refuse to respond to the Integrity Commissioner where a complaint has been lodged under the Code of Conduct;

- 18.3. The Township of Uxbridge – Council Code of Conduct and Complaint Procedure outlines how any person who believes that a member of Council is in contravention of the Council Code of Conduct may address their concerns. An informal complaint must be made prior to a formal complaint to the Integrity Commissioner.

## **ROLE OF INTEGRITY COMMISSIONER**

- 19.1. The Integrity Commissioner who reports directly to Council is responsible for performing in an independent manner the following functions:
- a) The application of the Code of Conduct for Members of Council and local boards/committees;
  - b) The application of any procedures, rules and policies of the municipality and local boards governing the ethical behavior of Members of Council and local boards;
  - c) Compliance with the requirements of the *Municipal Conflict of Interest Act* with respect to declaring a conflict of interest, and not using any influence where a matter is being considered by an officer or employee of the municipality or local board;
  - d) To conduct inquiries, as directed by council or on the integrity commissioner's own initiative, regarding whether a Member has contravened the Code of Conduct or sections 5, 5(1) or 5(2) of the *Municipal Conflict of Interest Act*
  - e) Requests from Members of Council and local boards for advice respecting their obligations under the Code of Conduct applicable to the Member;
  - f) Requests from Members of Council and local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or local board governing the ethical behavior of Members;
  - g) Requests from Members of Council and local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act* ;
  - h) The provisions of educational information to Members of Council, Members of local boards, the municipality and the public about the Code of Conduct and the *Municipal Conflict of Interest Act* ;



- i) 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;
- j) to maintain custody and control of the integrity commissioner's complaint and inquiry files and, on completion of their term of appointment, to transfer open files relating to ongoing matters to the incoming Integrity Commissioner appointed by Council.

## **20. REQUESTS TO THE INTEGRITY COMMISSIONER**

- 20.1 Requests from Members of Council and local boards for advice from the Integrity Commissioner shall be in writing and responses from the Integrity Commissioner shall also be in writing, as per the Complaint Procedure attached hereto as **Schedule "B"**;
- 20.2 Advice provided by the Integrity Commissioner may be released with the Members consent;
- 20.3 Educational advice to the public may be summarized but shall not disclose confidential information that could identify a person.

## **21. INDEMNITY**

- 21.1 The municipality shall indemnify and save harmless the Integrity Commissioner for costs reasonably incurred in connection with a defense of a proceeding if the proceeding relates to an act done in good faith or authority.

## **22. INTEGRITY COMMISSIONER COMPLAINT PROCEDURE**

### **22.1 Informal Complaints**

Informal complaints are a means of remedying the behaviour or activity believed to violate the Code of Conduct. The parties involved are encouraged to take advantage of the Integrity Commissioner's potential role as a mediator/conciliator of issues relating to a complaint. Informal complaints should be submitted to the Clerk, as per the Complaint Procedure attached hereto as **Schedule "B"**.

### **22.2 Formal Complaints**

Please refer to the full complaint procedure, **Schedule "B"** for details on the treatment of formal complaints. Formal complaints should be submitted on the established complaint form.

## **23. TIMING FOR INQUIRIES AND REPORTS**

- 23.1 If an inquiry is terminated, the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after Voting Day in a regular election, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request to the Commissioner that the inquiry be commenced.
- 23.2 Between Nomination Day and Voting Day in a regular election:
- a) there shall be no requests for an inquiry on whether a Member of Council or local board has contravened the Code of Conduct;
  - b) the Integrity Commissioner shall not report to the municipality on whether a Member of Council or local board has contravened the Code of Conduct
  - c) the municipality or local board shall not consider whether to impose any penalties on a Member of Council or local board.

## **24. PENALTIES FOR NON-COMPLIANCE WITH THE CODE OF CONDUCT**

- 24.1. Where Council receives a report from the Integrity Commissioner that there has been a violation of the Code of Conduct, Council 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.
- 24.2 The Member can speak or take part in the discussions, including making a submission but **not vote** when Council, Committee or Local Board is meeting to consider an imposition of the Code of Conduct penalty to suspend Member's pay for up to 90 days

## **25. IMPLEMENTATION**

- 25.1. The Code of Conduct will be included as part of the orientation workshop for each new term of Council, and/or when the Clerk identifies a need for a Council education session on the Code of Conduct. In addition, Members are expected to review of the Code of Conduct on a regular basis.