

SCHEDULE "A" to

The Township of Uxbridge Procedural By-law No. 2008-108

Code of Conduct for Members of Council

Preamble

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 in that the Township of Uxbridge elected representative operate from a base of integrity and courtesy.

General

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 his or her official duties.

Gifts and Benefits

Members shall not accept fees, gifts, hospitality or personal benefits that are connected directly or indirectly with the performance of duties as a Councillor, except compensation as authorized.

Members may accept the following:

- Political contributions that are otherwise offered, accepted and reported in accordance with the applicable law;
- Food and beverages at banquets, receptions, ceremonies or similar events;
- Services provided without compensation by persons volunteering their time;
- Food, lodging, transportation and entertainment provided by other levels of governments or by local governments, boards or commissions;
- A reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations.

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.

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.

Foster Respect for Decision-Making Process

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.

Confidentiality

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

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

Members shall not release information in contravention of the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

Members shall not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law to do so.

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.

The obligation to keep information confidential is a continuing obligation even if the Member ceases to be a Member of Council.

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. 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*.

Release of Information to Public and Media

Members of Council acknowledge that official information related to decisions and resolutions made by Council will normally be communicated to the community and the media by the Council as a whole or the Mayor as the Head of Council or by his or her designate.

Nothing herein contained shall limit or otherwise impede the Township Clerk in any way carrying out the course of her duties as required by law.

Activities Incompatible With Duties as Councillor

No Member shall 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.

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.

No Member shall use Township facilities, services or property for his or her re-election campaign or any other election campaign or private interest unless full market value rent is paid. No Member shall use the services of Township employees for his or her re-election campaign or any other election campaign or private interest, during hours in which the employees are in the paid employment of the Municipality.

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.

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.

Conduct at Council

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 in effect from time to time. 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.

1. No Member shall speak disrespectfully nor shall they use offensive words against Members of the Council or members of Municipal Staff
2. No Member shall speak on any subject other than the subject in debate.

3. No Member shall disobey the rules of the Council, 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; but if the Member apologizes, he shall be permitted to retake his or her seat.

Representing the Municipality

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

Encouragement of Respect for the Township and its By-laws

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

Staff Relations

Members 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, without undue influence from any individual Members or group of Members of Council.

In addition, 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.

Members shall not publicly criticize individual staff members in a way that casts aspersions on their professional competence and credibility.

Harassment

Harassment of another Council Member, staff or a member of the public is prohibited under the Ontario Human Rights Code. In accordance with the Ontario Human Rights Code, it is the policy of the Township of Uxbridge that all persons be treated with dignity, respect and fairness in the workplace in an environment free of discrimination and/or personal and sexual harassment. Harassment, whether it occurs inside or outside the workplace but is related to the work environment or activities of elected office, is considered inappropriate behaviour for the purpose of this Code of Conduct.

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 Ontario Human Rights Code, as amended.

Engaging in conduct which in any way can be construed as harassment could expose the Township to potential liability, and the individual Member to potential personal liability.

Compliance with Code of Conduct

- i) Where an alleged contravention of any provision of this Code of Conduct occurs, the complainant shall attempt to meet with the Member of Council to discuss the complaint and resolve the issue. In the event that a meeting between the complainant and Member of Council is not possible, or fails to resolve the issue, the complainant may request a meeting with the Member of Council, the Chief Administrative Officer where the complainant is an employee of the Township, an independent third party and/or the Mayor to discuss the complaint and resolve the issue.
- b) In the event the dispute can not be resolved after exhausting the steps set out in paragraph (a) above, Council may hold a special meeting of the General Purpose and Administration Committee to determine if the Member has breached this policy. The meeting shall be closed to the public, unless otherwise determined by the majority of the Members present at the meeting.
- c) The Member alleged to have contravened this Code of Conduct shall be given the opportunity to address Council at the meeting and will be provided with sufficient time to explain the alleged breach. The Member shall be permitted to introduce evidence including witnesses to support his or her position, and shall have the option of attending with legal counsel. Should the Member have legal counsel, then the Township shall have the right to legal representation.
- d) Should Council determine after hearing all evidence that a Member has breached a provision of the Code of Conduct, Council shall report that such a determination has been made, and at a special open Council session called for that purpose, pass a resolution that shall require the Member to appear before an in-camera General Purpose and Administration Committee to be sanctioned. The Sanction shall be ratified by Resolution at a session of Council.
- e) Should Council feel that a breach of this Code of Conduct may have occurred, but is unable to make a determination, Council may pass a resolution requesting a judge of the Ontario Superior Court of Justice to conduct an investigation of the Member's conduct under Section 274(1) of the Municipal Act, 2001, as amended. Should the judge determine that a breach has occurred, the penalties for such breach shall be determined in accordance with this policy.

- f) Notwithstanding the provisions herein contained, should Council feel that the circumstances of the complaint warrant an investigation by an external individual, then Council may appoint an Integrity Commissioner pursuant to Section 223.3 of the *Municipal Act* to exercise such powers as are specifically delegated by Council in order to conduct an inquiry into the allegations of a breach of the Code of Conduct and to report back to Council with respect to his/her findings.
- g) Sanctions which may be imposed for a breach of this Code of Conduct include, but are not limited to, a demand for an apology, a public reprimand by Council, or a suspension of the remuneration paid to the Member in respect of his or her services as a member of Council for a period of up to 90 days or a combination of any of the above.
- h) All sanctions under this Code of Conduct will be fair and in keeping with the severity of the breach, giving due regard to the Member's previous conduct.
- i) Nothing in this Section restricts or attempts to countermand a Member's legal right to challenge a decision of Council through established legal channels.

Implementation

Upon the adoption of this Code of Conduct and thereafter at the beginning of each term, Members of Council shall sign two copies of the Code of Conduct (one for themselves and one for the Clerk's Office) to acknowledge that they have received a copy. In the event that a Member refuses to acknowledge receipt of a copy of the Code of Conduct, then the Clerk of the Municipality shall swear an affidavit attesting to the delivery of the Code of Conduct which shall be attached to one copy of same and retained in the Clerk's files.

A Code of Conduct component will be included as part of the orientation workshop for each new Council, or Council-appointed advisory, special purpose committee, task force or working group.

Members of Council are expected to formally and informally review their adherence to the provisions of this Code on a regular basis or when so requested by Council.

Interpretation

Members of Council seeking clarification of any part of this Code of Conduct should consult with the Clerk.

SIGNATURE

The undersigned Member of Council hereby acknowledges that they have received a copy of the Code of Conduct.

Signature of Member of Council

Date

Printed Name