



CITY POLICY

SECTION: MUNICIPAL GOVERNMENT
REFERENCE: COUNCIL

NO: MU - CO - 11
Date: September 2019
Next Review: 2021

TITLE: COUNCIL CODE OF CONDUCT

1.0 POLICY STATEMENT

1.1 Attaining an elected position within one's community is a privilege which carries significant responsibilities and obligations. Members of Council (comprised of the Mayor and Councillors) are held to a high standard as leaders of the community and they are expected to become well informed on all aspects of municipal governance, administration, planning and operations. They are also expected to carry out their duties in a fair, impartial, accountable, transparent, open and professional manner.

2.0 PURPOSE

- 2.1 To protect the public interest. The practical application of the code's provisions in diverse situations may reveal gaps, ambiguities and inconsistencies. In these circumstances, the protection of public interest, as it is consistent with the concept of "just cause" is to be taken as the true underlying intent of the Code.
- 2.2 To encourage high ethical standards among Council Members.
- 2.3 To provide a universal understanding of fundamental rights, privileges, and obligations of Council Members.
- 2.4 To provide guidance and education to Council members to help protect and prepare them to make decisions that are in the best interests of the public at large.
- 2.5 To set out the means of correcting unethical conduct.

2.0 PURPOSE (Cont'd)

2.6 Council Members hold positions of privilege. Therefore, they must discharge their duties in a manner that recognizes a fundamental commitment to the well-being of community and regard for the integrity of the Corporation.

3.0 DEFINITIONS

3.1 **City** means The Corporation of The City of Dryden.

3.2 **Council Members** are the individuals elected to the offices of Mayor and Councillor for the City of Dryden.

3.3 **Code of Conduct** means the City of Dryden Code of Conduct for Council Members.

3.4 **Complainant** means a member of the public who has filed a complaint under the Code of Conduct.

3.5 **Complaint** means a purported contravention of the Code of Conduct.

3.6 **Confidential Information** is information that is classified as being confidential in the opinion of Council Members, whether labeled as confidential or not. Disclosure of information will not constitute a breach of the Code of Conduct unless that information is of an inherently confidential nature such as:

3.6.1 Personal data of employees or others.

3.6.2 Records related to internal policies and practices, which if disclosed, may prejudice the effective performance of a municipal operation.

3.6.3 Records of a financial nature reflecting information given or accumulated in confidence.

3.6.4 Files prepared in connection with litigation and adjudicative proceedings.

3.6.5 Reports of consultants, policy drafts and internal communications, which if disclosed, may prejudice the effective operation of the City.

3.0 DEFINITIONS (Cont'd)

- 3.7 **Integrity Commissioner** means the Integrity Commissioner retained by Council to provide independent and consistent complaint investigation and resolution respecting the application of the Code of Conduct. All information is to be kept in confidence until a resolution is put forward.

- 3.8 **Immediate Relative** means a parent, spouse, child, sister, brother, sister-in-law, brother-in-law, daughter-in-law, son-in-law, father-in-law, mother-in-law as well as step-relationships and half-relationships. Spouse shall mean the person to whom a person is married or with whom the person is living in a conjugal relationship outside of marriage. This definition shall also apply to any person(s) that are living with the Councillor (appropriate to the document) on a full-time basis whom they have demonstrated a settled intention to treat as an immediate relative.

- 3.9 **Member of the Public** means an elector of the municipality, a resident of the municipality, a user of the municipality’s services and any other individual who is directly affected by the municipality’s decisions.

- 3.10 **Public Comment** is disclosure made in a public speech, lecture, radio or television broadcast, in the press or book or print form. This also includes electronic statements issued from an email, twitter, or text message account or from websites such as Facebook, LinkedIn, My Space, et cetera.

4.0 RESPONSIBILITIES

- 4.1 Council shall:
 - 4.1.1 Make revisions, additions, or deletions to the Code of Conduct as may be justified under the concept of “just cause”; and,

 - 4.1.2 Following its review of the information decide on the appropriate action in matters concerning a Councillor’s ethical conduct.

4.0 RESPONSIBILITIES (Cont'd)

4.2 Chief Administrative Officer shall:

- 4.2.1 Provide recommendations to Council on desirable revisions, additions or deletions to the Code of Conduct;
- 4.2.2 Advise of allegations and conduct inquiries relating to unethical conduct by Members of Council;
- 4.2.3 Ensure the administrative controls referred to in the Code of Conduct are in place;
- 4.2.4 Fully inform newly appointed Council Members of the ethical standards they are expected to observe. If requested, obtain clarification of the specific ethical standards the Council member will be required to observe in a particular position; and,
- 4.2.5 Keep Council Members informed, on an ongoing basis, regarding the City's policy on ethical behavior.

4.3 Council Members:

4.3.1 Integrity:

Ultimately, ethical behavior relies on the diligence of the individual. However, since a breach of ethics impacts not only on that Member of Council but also the Corporation, a code of ethics is the means by which the City acknowledges their responsibility in this area. Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:

- (a) Conduct of one's private life or Council activities, which render the Councillor unable to perform his or her duties satisfactorily. The moral standard a Councillor must adhere to will vary with the Councillor's relationship with other Council Members, City employees and the public;

This policy is subject to any specific provisions of the Municipal Act, 2001 or other relevant legislation or Union agreement.

4.0 RESPONSIBILITIES (Cont'd)

- (b) To knowingly breach the law in the performance of his/her duties or request others to do so; and,
- (c) To intentionally falsify any of the City's records.

4.3.2 Impartiality:

Every Council Member must perform his/her duties in an impartial manner. If a personal or other interest means that a Council Member is not impartial on a matter, then the Council Member shall have no involvement in discussion or decision-making on it. This rule is in addition to obligations under the Municipal Conflict of Interest Act.

5.0 PRINCIPLES UPON WHICH THIS CODE OF CONDUCT IS BASED

- 5.1 Council Members shall serve and be seen to serve their constituents in a conscientious and diligent manner; and shall act in accordance with his or her Declaration of Office.
- 5.2 Council Members shall be committed to performing their functions with integrity, avoiding the improper use of the influence of their office and any conflict of interest.
- 5.3 Council Members shall perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.
- 5.4 Council Members shall act upon the principle that democracy is best achieved when the operation of government is made as transparent and accountable as possible to the public.

5.0 PRINCIPLES UPON WHICH THIS CODE OF CONDUCT IS BASED (Cont'd)

5.5 Council Members shall serve the public interest by upholding both the letter and spirit of:

5.5.1 The laws of Parliament, including the Criminal Code of Canada;

5.5.2 The laws of the Ontario Legislature including the Municipal Act, 2001, as amended, the Municipal Conflict of Interest Act, the Municipal Elections Act, 1996 and the Municipal Freedom of Information and Protection of Privacy Act; and,

5.5.3 The By-Laws and Policies of the City of Dryden.

5.6 A Council Member may become disqualified and lose his or her seat by operation of law, including being convicted of an offence under the Criminal Code of Canada or being found to have failed to comply with the Municipal Conflict of Interest Act, whether or not the conduct in question involves contravention of this Code of Conduct.

5.7 In the case of any inconsistency between this Code of Conduct and a Federal or Provincial statute or regulation, the statute or regulation shall prevail.

6.0 APPLICATION OF THIS CODE OF CONDUCT

6.1 This Code of Conduct applies to the Mayor and Council Members in the execution of their City-related duties.

7.0 CONDUCT

7.1 Conduct at Meetings:

7.1.1 Council Members shall act in accordance with the City of Dryden Procedural By-Law.

7.0 CONDUCT (Cont'd)

7.2 Conduct Respecting Others:

- 7.2.1 Council Members shall treat each other, the public and staff appropriately to ensure the work and volunteer environment is free of abuse, bullying, intimidation, discrimination and harassment; and shall act in accordance with the City of Dryden Policy HR-HS-69: Harassment/Bully Free in the Workplace.
- 7.2.2 Council Members shall not use indecent, abusive, or insulting words or expressions towards each other, the public or staff; and shall act in accordance with the City of Dryden Policy HR-HS-70: Violence Free in the Workplace.
- 7.2.3 Council Members shall not speak or otherwise communicate in a manner that is discriminatory to any individual; or that is discriminatory in regard to any individual based on that person's race, ancestry, ethnic origin, colour, place of origin, creed, citizenship, gender, sexual orientation, same-sex partnership status, age, record of offences, marital or family status, or disability.

7.3 Conduct Respecting Staff:

- 7.3.1 Council Members shall be respectful of the role of staff to serve the Corporation as a whole under the overall direction of the Chief Administrative Officer; and to provide advice based on political neutrality and objectivity, free from undue influence.
- 7.3.2 Council Members shall be respectful of staff's professional capacities and responsibilities.
- 7.3.3 Council Members shall not maliciously or falsely injure or impugn the professional or ethical reputation of a member of staff.

7.0 CONDUCT (Cont'd)

7.3.4 Council Members shall not compel a member of staff to participate in partisan political activities.

7.3.5 Council Members shall not use authority, intimidation, threats or coercion to influence any member of staff.

7.3.6 Council Members shall not interfere with any member of staff in the performance of the staff member's duties, including the duty to disclose improper activity.

8.0 GIFTS

8.1 For the purpose of this Code of Conduct, if a gift or benefit is connected directly to the Council Member's performance and is provided to their immediate relative with the Member's knowledge, it is deemed to be a gift or benefit to that Member.

8.2 Council Members shall not seek, or obtain by reason of their office, any personal privilege or advantage with respect to City services not otherwise available to the general public and not subsequent to their official duties.

8.3 Council Members shall only accept gifts, hospitality, or entertainment of a nominal value that could not reasonably be construed as being given in anticipation of or as recognition for special consideration or recognition by an individual, business or organization.

8.4 Council Members shall not place themselves in a position where they are under an obligation to an individual, business or organization.

8.5 Council Members shall disclose to the Integrity Commissioner any single benefit, fee, gift, hospitality or entertainment valued at **\$200.00 or more**; or those received from one source for which the total **value over a calendar year exceeds \$300.00**.

8.0 GIFTS (Cont'd)

8.5.1 Disclosure shall be made on the prescribed form **Appendix A – Disclosure Statement** and submitted to the Clerk for review by the Integrity Commissioner within thirty (30) days of receipt of gift, or of reaching the annual limit.

8.5.2 The Integrity Commissioner may determine that the receipt of the benefit, fee, gift, hospitality or entertainment was inappropriate and may call upon the Council Member to justify the receipt, direct the Member to return it or direct the Member to reimburse the source, if the benefit has already been consumed.

8.6 Council Members shall surrender to the City, mementos, souvenirs or gifts with a value exceeding \$300.00 received incident of protocol, social obligation or responsibilities of office.

9.0 CONFIDENTIAL INFORMATION

9.1 Council Members shall not disclose, release or publish by any means to any person or the public, confidential information acquired by virtue of their office, in any form, except when required by law, or specifically authorized by Council to do so.

9.2 Closed Meetings:

9.2.1 Council Members shall not disclose to any person or to the public:

- (a) The subject matter of the discussion or debate;
- (b) Details or information regarding the matter;
- (c) Details of the discussion or debate; or,
- (d) The manner in which the matter was dealt unless required by law to do so, or until those details are discussed in an Open Meeting or the Member is specifically authorized by Council to do so.

This policy is subject to any specific provisions of the Municipal Act, 2001 or other relevant legislation or Union agreement.

9.0 CONFIDENTIAL INFORMATION (Cont'd)

- 9.3 Council Members shall not use confidential information for personal or private gain or benefit; or, for the personal or private gain or benefit of any other person or body.
- 9.4 Council Members shall not obtain access, or attempt to gain access, to confidential information in the custody of the Municipality except to the extent that such access is necessary for the performance of his or her duties and such access is not prohibited by Council or otherwise by law.
- 9.5 Council Members shall not disclose to any person or to the public, internally circulated memos, reports or other information, intended for Council Members and not intended for the general public.

10.0 USE OF MUNICIPAL PROPERTY, SERVICES AND OTHER RESOURCES

- 10.1 No Council Member shall use, or permit the use of City land, facilities, equipment, supplies, services, staff or other resources, including any City owned information, website or funds allocated for Council Member expenses, for any purpose or activity other than the lawful business of the City Corporation.
- 10.2 No Council Member shall seek or acquire any personal financial gain from the use or sale of confidential information, or of any City owned intellectual property including any invention, creative writing or drawing, computer program, technical innovation, or any other information or item capable of being patented or copyrighted, of which property remains exclusively that of the City.

11.0 CONDUCT OF ELECTION CAMPAIGN

- 11.1 Every Council Member shall comply with all applicable requirements of the Municipal Elections Act, 1996, as amended.
- 11.2 No Council Member shall use confidential information, facilities or property, equipment, supplies, services or other resources of the City, including any Council newsletter or website linked to the City Website (www.dryden.ca), for any election campaign or campaign-related activities.
- 11.3 No Council Member shall use the services of any person for election related purposes during hours in which that person receives any compensation from the City.

12.0 IMPROPER USE OF INFLUENCE

- 12.1 For the purpose of this Code of Conduct, “private advantage” does not include a matter that is of a general application that effects a Council Member, his or her parents, children or spouse, staff members, friends or associates, business or otherwise, as one of a broad class of persons or a matter that concerns the remuneration or benefits of a Member of Council.
- 12.2 No Council Member shall use the influence of his or her office for any purpose other than for the lawful exercise of his or her official duties and for City purposes.
- 12.3 No Council Member shall use his or her office or position to influence or attempt to influence the decision of any other person, for the Member's private advantage or for the private advantage of the Member's parent, child, spouse, staff member, friend or associate, business or otherwise.
- 12.4 No Council Member shall attempt to secure preferential treatment beyond activities in which a Member normally engages on behalf of his or her constituents as part of his or her official duties.

12.0 IMPROPER USE OF INFLUENCE (Cont'd)

12.5 No Council Member shall hold out the prospect or promise of future advantage through the Member's supposed influence within Council, in return for any action or inaction.

13.0 INTEGRITY COMMISSIONER

13.1 City Council shall appoint an Integrity Commissioner, who is an independent third party, to administer this Code of Conduct and to carry out the duties of the Integrity Commissioner as set out in Section 223 of the Municipal Act, 2001, as amended. The Integrity Commissioner will only enforce the Code of Conduct with respect to members of Council.

13.2 Council Members are encouraged to seek clarification from the Integrity Commissioner if they are uncertain as to the appropriateness of their existing or contemplated conduct.

13.3 Complaints or inquiries concerning the ethical conduct of any Council Member shall be made in writing and in the prescribed form, to the Integrity Commissioner and shall be treated as confidential. Complaints must be submitted within six (6) weeks of the matter first becoming known to the complainant and cannot be filed more than six (6) months after the alleged violation occurred. No action will be taken on a complaint received beyond either of the foregoing deadlines. See **Appendix A Formal/Complaint Form/Affidavit**.

13.3.1 Informal Complaints – Any individual who has identified or witnessed behavior or activity by a Member that appears to be in contravention of the Code of Conduct is encouraged to address his or her concerns in the following manner:

- (a) Advise the Member that their behavior or activity contravenes the Code of Conduct;
- (b) Encourage the Member to stop the prohibited behavior or activity;

13.0 INTEGRITY COMMISSIONER (Cont'd)

- (c) If applicable, confirm to the Member his or her satisfaction or dissatisfaction with the Member's response to the concern identified;
- (d) If not satisfied with the response received through the informal process, an individual may proceed with a formal complaint through the Integrity Commissioner as outlined in section 13.3.
- (e) Any individual filing a complaint should keep a written record of the incidents including date, times, locations, other person(s) present, and any other relevant information, including steps taken to resolve matter.

13.4 A copy or summary of any written complaint received is to be sent immediately to the Council Member to whom the complaint is directed, with a request to provide a written answer to the complaint.

Note: In the event of complaint by a staff member against a Member of Council, the Integrity Commissioner will direct the complaint to the Human Resources Manager and advise the complainant accordingly. The Human Resources Manager will proceed with the complaint in accordance with the Harassment Policy and, on completion, will provide a summary report to the Integrity Commissioner. If the Integrity Commissioner deems the matter resolved, a brief report will be sent to Council. Otherwise, the Integrity Commissioner may elect to continue the investigation. In the case of a repeat complaint involving the same parties, the process may proceed directly to an Integrity investigation.

13.4.A The Integrity Commissioner has the discretion to decline to commence an investigation if, on its face, the complaint appears to be frivolous, vexatious or otherwise an abuse of process or appears not to have been made in good faith, or, subsequently, the Integrity Commissioner may terminate an investigation if, at any time, the Integrity Commissioner forms the opinion that the complaint is frivolous, vexatious, or otherwise an abuse of process or if the Integrity Complainant is not acting in good faith.

13.0 INTEGRITY COMMISSIONER (Cont'd)

13.5 The Integrity Commissioner shall investigate all complaints or inquiries concerning the ethical conduct of a Council Member and shall report his or her findings as follows:

13.5.1 The Integrity Commissioner shall report immediately to Council when applicable, to the complainant and to the Council Member that is the subject of complaint when, following investigation, he or she has determined that no breach of the Code of Conduct or other relevant and related legislation has occurred.

13.5.2 The Integrity Commissioner shall report immediately to Council when applicable when, following investigation, he or she has determined that a breach of the Code of Conduct or other relevant and related legislation has occurred, and shall recommend action to be taken by Council.

13.6 The Integrity Commissioner shall provide written advisement to the complainant and the Council Member that is the subject of the complaint, that it is his or her determination that a breach of the Code of Conduct has occurred, and the sanctions to be imposed as determined by Council.

13.7 The Integrity Commissioner and every person acting under his or her instructions shall preserve the confidentiality of all documents, material or other information, whether belonging to the City or not, that come into their possession or to their knowledge during the course of their duties as required by Section 223.5 of the Municipal Act, 2001.

Pursuant to Section 223.5(3) of the Municipal Act, this section prevails over the Municipal Freedom of Information and Protection of Privacy Act.

When the Integrity Commissioner reports to Council on an investigation into an alleged breach of the Code, the report shall only disclose such information that in the Integrity Commissioner's opinion, is required for the purpose of the report.

When the Integrity Commissioner issues an annual or other periodic report to Council on his or her activities, he or she shall summarize the advice he or she has given but shall not disclose confidential information that could identify a person concerned in the case of informal complaints or those formal complaints that have been dismissed and did not proceed to a formal investigation.

14.0 NON-COMPLIANCE WITH THIS CODE OF CONDUCT - SANCTIONS

14.1 A Council Member, found by the Integrity Commissioner to have contravened any provision of this Code of Conduct, is subject to one or more of the following consequences imposed by Council:

- (a) A reprimand;
- (b) Suspension of the remuneration paid to the Member in respect of his or her services as a Council Member, as the case may be, for a period of up to 90 days.

14.2 The Integrity Commissioner may also recommend that Council take one or more of the following actions:

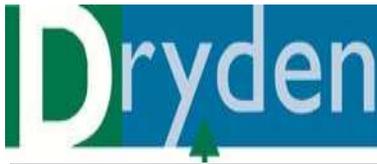
- (a) Councillor removal from membership on the Board;
- (b) Councillor removal as chair of a committee or local board;
- (c) Repayment or reimbursement of monies received;
- (d) Return of property or reimbursement of its value;
- (e) Request an apology to Council, or to the complainant, or both; or,
- (f) Any other or additional action deemed by Council to be appropriate, and which is within its power to take.

15.0 ENFORCEMENT OF THIS CODE OF CONDUCT

- 15.1 Every Council Member shall respect the integrity of the Code of Conduct and inquiries and investigations conducted under it and shall cooperate in every way possible in securing compliance with its applications and enforcement.
- 15.2 No Council Member shall make any reprisal, or threat of reprisal, against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person.
- 15.3 No Council Member shall obstruct the Integrity Commissioner, or any other City official involved, in applying or furthering the objectives or requirements of this Code of Conduct, in the carrying out of such responsibilities, or pursuing any such objective.
- 15.4 At the beginning of each term, Members of Council will be expected to sign the Code of Conduct to convey to each other and all stakeholders that they have read, understand and accept it. A Code of Conduct component will be included as part of the orientation workshop for each new Council. 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.

History			
Approval Date:	March 21, 2016	Approved by:	By-law 4375-2016
Amendment Date:	November 26, 2018	Approved by:	By-law 4587-2018
Amendment Date:	September 23, 2019	Approved by:	By-law 4669-2019

This policy is subject to any specific provisions of the Municipal Act, 2001 or other relevant legislation or Union agreement.



City of Dryden
Code of Conduct for Council
Disclosure Statement

Section 8 of the Code of Conduct regarding the acceptance of gifts and benefits, requires Members to disclose the receipt of certain gifts and benefits if the dollar value of a single gift or benefit exceeds \$200; or if the total value of the gifts received from one source in a calendar year exceeds \$300.

This Disclosure Statement is to be used to report on such gifts and benefits and shall be filed with the Clerk within 30 days of receipt of such gift or benefit, or upon reaching the annual limit.

Disclosure Statements are a matter of public record.

Nature of Gift or Benefit received:

Source of Gift or Benefit:

Circumstances under which Gift or Benefit received:

Intended use of Gift or Benefit (i.e. will it be donated/provided to the City):

Estimated Value of Gift or Benefit:

Date Gift or Benefit was received:

(MM/DD/YR)

Signature of Council Member

Date

Signature of Clerk

Date received



City of Dryden
Code of Conduct for Council
Formal Complaint Form/Affidavit

I, _____ (full name) of the City of Dryden, in the Province of Ontario, do solemnly swear (affirm and declare) that the following contents of this affidavit as subscribed by me are true and correct:

Permanent Place of Residence: _____

Mailing Address (if different from above): _____

I have personal knowledge of the facts as set out in this Affidavit because:
 (insert reasons e.g. I work for... I attended a meeting which....etc.)

I have reasonable and probable grounds to believe that _____
 (specify name of Member in question) has contravened Section(s) _____
 of the Code of Conduct of the City of Dryden. The particulars of which are as follows: (Set out the statement of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space, please use attached Schedule "A" form and check the applicable box below.)

Schedule "A" attached Yes No

This affidavit is made for the purpose of requesting that this matter be reviewed by the City of Dryden appointed Integrity Commissioner and for no other purpose.
 Sworn (or Affirmed) before me at the City of Dryden, in the District of Kenora, in the Province of Ontario on the _____ day of _____, _____.

NOTE: This is a sworn (affirmed) affidavit of the deponent only. No investigation has been conducted by this authority to confirm or verify the above sworn information. THE CRIMINAL CODE OF CANADA provides that: everyone commits perjury who, with intent to mislead, makes before a person who is authorized by law to permit it to be made before him in false statement under oath or solemn affirmation by affidavit, solemn declaration or deposition or orally, knowing that the statement is false, is guilty of an indictable offence and liable to a term of imprisonment not exceeding fourteen years (section 131 and 132) or by summary conviction (section 134). Signing a false affidavit may expose you to prosecution under section 131 and 133 or 134 of the Criminal Code R.S.C 1985, c. C-46 and also to civil liability for defamation.

City of Dryden
Code of Conduct for Council

A Commissioner, etc.

Signature of Complainant
(to be witnessed by Commissioner)

NOTE: This is a sworn (affirmed) affidavit of the deponent only. No investigation has been conducted by this authority to confirm or verify the above sworn information. THE CRIMINAL CODE OF CANADA provides that: everyone commits perjury who, with intent to mislead, makes before a person who is authorized by law to permit it to be made before him in false statement under oath or solemn affirmation by affidavit, solemn declaration or deposition or orally, knowing that the statement is false, is guilty of an indictable offence and liable to a term of imprisonment not exceeding fourteen years (section 131 and 132) or by summary conviction (section 134). Signing a false affidavit may expose you to prosecution under section 131 and 133 or 134 of the Criminal Code R.S.C 1985, c. C-46 and also to civil liability for defamation.

