

**TOWN OF GEORGINA – CLERK’S DEPARTMENT
POLICY NO. DAS-CL-034**

Subject: CODE OF CONDUCT POLICY	Authority, Ref. & Sec. Bill 130, The Municipal Statute Law Amendment Act, 2006 The Municipal Act, 2001		
Policy Classification:	Pages: 11	Year	Month Day 2012 04 16
Recommended/Approved by: Town Clerk	Contact Position for Inf. Town Clerk		

Policy Statement:

The purpose and intent of the Code of Conduct is to establish standards of conduct for Members of Council, Local Boards and Committees in the individual conduct of their official duties. This Code of Conduct applies to all Members of Council, being the Mayor and each Councillor. It also applies to all members of the public appointed to local boards and committees of Council.

Attaining an elected position within one’s community is a privilege which carries significant responsibility and obligation. In order to strengthen the role of Council and to enhance public trust, this Code of Conduct supplements existing provincial conflict of interest legislation and municipal by-laws that govern their conduct.

Purpose:

The Code of Conduct and related policies identify the Town of Georgina’s expectations of Members of Council, Local Boards and Committees, and establishes guidelines for appropriate conduct to ensure that:

- the decision-making process of Town Council, Local Boards and Committees is open, accessible and equitable;
- decisions are made through appropriate channels of government structure;
- public office is not to be used for personal gain;
- residents have confidence in the integrity of their local government;
- the conduct of Members of Council, Local Boards and Committees is of the highest standard; and
- there is fairness and respect for differences and a duty to work together for goodwill and common good

Section 1: Statutory Provisions Regulating Conduct

1.1 This Code of Conduct operates along with and as a supplement to the existing statutes governing the conduct of members. Six pieces of provincial legislation govern the conduct of members of Council, Local Boards, and Committees those being:

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- a) Municipal Act, 2001, S.O. 2001, c.25;
 - b) Municipal Conflict of Interest Act, R.S.O 1990, c.M. 50;
 - c) Municipal Freedom of Information and Protections of Privacy Act R.S.O 1990, c.M. 56;
 - d) Municipal Elections Act, 1996, S.O. 1996, c. 32;
 - e) The Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009; and
 - f) Human Rights Code.
- 1.2 The Town of Georgina Procedural By-law addresses the conduct of members during meetings.
- 1.3 The Criminal Code of Canada also governs the conduct of members.

Section 2: Application

2.1 The Code of Conduct and the references within it, shall apply to all members of the Town of Georgina Council and members of Local Boards and Council Committees including those citizens and/or staff appointed by Town Council. Members are expected to follow this Code, the Council Procedural By-law and other sources of applicable procedural law.

Section 3: Definitions

- 3.1 For the purpose of this Code of Conduct the following definitions apply:
- a) “Members of Council” includes the Mayor, Regional Councillor and each Ward Councillor;
 - b) “Committee Member” means citizens and/or staff appointed by Council to its various advisory, ad hoc, steering or other special purpose committees and to task forces and working groups;
 - c) “ Local Board” means a local board as defined in section 223.1 of the Municipal Act, 2001;
 - d) “Member” means a members of Council, or a Local Board or Committee member, unless the context otherwise requires;

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- e) “Code” means this Code of Conduct as it applies to members of Council, Local Boards and/or Council Committees;
- f) “Confidential Information” means any information that is of a personal nature to Town employees or clients or information that is not available to the public and that, if disclosed, could result in loss or damage to the Corporation or could give the person to whom it is disclosed an advantage. Confidential Information includes, but is not limited to the following information:
- Disclosed or discussed at a meeting of Council, Committee of the Whole, Local Board or Committee meeting, or part of a meeting of Council, Committee of the Whole, Local Board or Committee meeting that is closed to the public;
 - That is circulated to members and marked ‘confidential’; or
 - That is given verbally in confidence in preparation of or following a meeting that is closed to the public and includes, but is not limited to the following types of information;
 - Personnel matters;
 - Information about suppliers provided for evaluation which might be useful to other suppliers;
 - Matters relating to the legal affairs of the Town;
 - Sources of complaints where the identity of the complainant is given in confidence;
 - Items under negotiation;
 - Schedules of prices in contract tenders; and
 - “Personal information” as defined in the *Municipal Freedom of Information and Protection of Privacy Act*;
- g) “Conflict of Interest” involves decisions made and/or actions taken by a Member in respect of matters in which he or she has a direct or indirect personal or pecuniary interest;
- h) “Fraud” involves any intentional or deliberate act to deprive any person or the public of property, money or valuable security by deception or other unfair means. This includes fraud as defined in the *Criminal Code*;
- i) “Gifts, Hospitality, Benefits & Perquisites” are items, invitations, articles, services, offers, entrance fees or vouchers of more than a nominal value;

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- j) “Pecuniary interests” are interests that have a direct or indirect financial impact. They include:
- any matter in which the member has a financial interest;
 - any matter in which the member is a shareholder, director or senior officer of or holds a controlling interest in a corporation that does or does not offer its securities to the public, and such corporation has a financial interest;
 - any matter in which the member is a partner of a person or is in the employment of a person that has a financial interest; and
 - any matter in which a parent, spouse, same sex partner or any child of the member has a financial interest, if known to the member;
- k) “Personal Interests” involve forms of advantage other than financial such as seeking an appointment, promotion or transfer within the Corporation on behalf of a family member;
- l) “Theft” is the act of fraudulently taking or converting to one’s use, or the use of another person, anything, with the intent to deprive the true owner of it, or a person who has a special property or interest in it. This includes theft as defined in the *Criminal Code*;
- m) “Town or Corporation” means the Corporation of the Town of Georgina;
- n) “Town Property” means item, services or resources which are the property of the Town including but not limited to: materials, equipment, vehicles, facilities, technology, Town-developed computer programs of technological innovations, databases, intellectual property, Town-owned images, logos, and supplies.

Section 4: Responsibility of Members

4.1 Confidentiality

- 4.1.1 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 or appointment except when required by law to do so.
- 4.1.2 All information, documentation or deliberation received, reviewed or taken in closed session of Council and its committees is confidential until the matter ceases to be confidential, as determined by Council.

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- 4.1.3 Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential.
- 4.1.4 Confidential information that comes to the attention of members does not belong to them. It is property that belongs to the Town.
- 4.1.5 The obligation to keep information confidential is a continuing obligation even if the Member ceases to be a Member of Council, Local Board or Committee.
- 4.1.6 Members have the same access rights to municipal information as any other resident in the Town, 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*.

Section 5: Responsibility of Local Board and Committee Members

- 5.1 Members of the public appointed to Local Boards and Committees are appointed at the pleasure of Council. They do not hold office as elected official nor do they represent either Council or the Local Boards or Committees unless mandated to do so. Members of the public appointed to Local Boards and Committees must respect both the word and spirit of this Code as it applies to them and also as it applies to Members of Council.
- 5.2 Local Boards and Committees operate only within meetings for which proper notice has been given or as matter duly added to an agenda in accordance with the Town’s Procedural By-law.
- 5.3 Local Board’s and Committee’s work often depends on the specific expertise of members of the public appointed to Local Boards and committees, including their employment and business interests. Interests relating to expertise, knowledge or acquaintance of a topic or an individual does not necessarily constitute a pecuniary interest. Such an interest should be declared, however, for the purposes of openness.
- 5.4 No Local Board or Committee member may act beyond the mandate of the Local Board/Committee granted by Council or legislation. They must not undertake site visits, direct discussions with residents, informal meetings or communications including emails or contact with the media except:

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- a) As granted the right to do so by Council;
- b) Pursuant to the duties of a Member of Council; or
- c) Otherwise if required by law.

Section 6: Conflict of Interest

- 6.1 Members will follow and respect both the letter and spirit of the provisions of the Municipal Act 2001 and the Municipal Conflict of Interest Act, as amended from time to time.
- 6.2 Members shall not:
- engage in any activity, financial or otherwise, which is incompatible with the proper discharge of his or her official duties;
 - use any influence of office for any purpose other than official duties;
 - act as a paid agent before Council or any Local Board or Committee;
 - solicit, demand or accept the services of any civic employee for re-election purposes during hours in which the employee is in the paid service of the Town;
 - use any confidential information gained in the execution of office for any purpose other than official duties;
 - give preferential treatment to any person or organization in which the member has a pecuniary interest;
 - influence any administrative or Council decision or decision-making process involving or affecting any person or organization in which the member has a financial interest;
 - use Town property or Town employees for personal gain or for any private purpose.

Section 7: Staff Relations

- 7.1 Members shall acknowledge and respect the fact that staff work for the Town as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate objectives, without undue influence from any individual member or group of members.
- 7.2 Members shall acknowledge and respect the fact that staff carry out directions of Council as a whole and administer the policies of the Town, and are required to do so without any undue influence from any individual member or group of members.
- 7.3 Members shall not publicly criticize individual staff members in a way that cast aspersions on their professional competence and credibility.

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Section 8: Communications and Media Relations

- 8.1 Members will accurately and adequately communicate the attitudes and decisions of Council, even if they disagree with a majority decision so that:
- There is respect for the decision-making process of Council;
 - Official information related to decisions and resolutions made by Council will normally be communicated in the first instance to the community and the media in an official capacity by the Mayor or the Mayor’s designate;
 - Information concerning adopted policies, procedures and decisions of the Council is conveyed openly and accurately.

Section 9: Gifts, Hospitality, Benefits and Perquisites

- 9.1 Members may only receive tokens, mementos, souvenirs or similar gifts that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of elected office. Tokens, mementoes, souvenirs or gifts with a value of greater than nominal value, if accepted, shall be the property of the Town.
- 9.2 Members may accept hospitality or entertainment if the offer is infrequent and appropriate to the occasion.
- 9.3 Nothing in this section prevents the receipt of:
- personal gifts, benefits, rewards, commissions or advantages from any person or organization not connected directly or indirectly with the performance or duties of office
- 9.4 Members may also accept the following:
- political contributions that are otherwise offered, accepted and reported in accordance with 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 other local governments, boards or commissions;
 - a reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations

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- 9.5 Any gifts, benefits, hospitality or perquisites that exceed these guidelines shall be returned with an explanation of this Code of Conduct.

Section 10: Political Activity

- 10.1 Members must ensure compliance with all legislative requirements related to political activity including the use of corporate resources during an election year, as set out in, Use of Corporate Resources During An Election Year Policy, as amended from time to time.

Section 11: Use of Town Property

- 11.1 In accordance with the use of Corporate Resources During An Election Year Policy, members must respect Town property. Members may only use Town property or services for activities connected with the discharge of official duties or associated community activities having the sanction of Council or its Committee.
- 11.2 Members shall not obtain financial gain from the use of Town 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 Town.

Section 12 – Conduct at Meetings

- 12.1 During Council, Committee of the Whole, Local Board, various advisory, ad hoc, steering or other special purpose Committees, task forces and working groups, shall conduct themselves with decorum and in accordance with the Town’s Procedure 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 Council during presentations and when other members have the floor.

Section 13: Harassment

- 13.1 Harassment of another member, staff or any member of the public is prohibited under the Human Rights Code. In accordance with the Ontario Human Rights Code and the Town of Georgina Violence and Harassment Free Workplace Policy, which is a policy of the town to provide an maintain a work environment free of violence, harassment and discrimination. Harassment, whether it occurs inside or outside the workplace but is related to the work environment or activities of elected

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- office, is considered to be harassment and is inappropriate behaviour for the purpose of this Code of Conduct.
- 13.2 Harassment includes, but is not limited to any behaviour, conduct or comment by any persons 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, sexual orientation, age, record of offences, marital status, family status or disability, and any other grounds under the provisions of the Ontario Human Rights Code as amended.
- 13.3 Any complaints of harassment will be investigated in accordance with the procedure set out in the Town's Violence and Harassment Free Workplace Policy. In the event that a regulation is not achieved, any Member may request that the complaint be dealt with in accordance with Section 15 of this policy.

Section 14: Encouragement of Respect for the Town and its By-laws and Policies

- 14.1 Members shall at all times encourage public respect for the Town and its policies.

Section 15: Compliance with Code of Conduct

- 15.1 Where an alleged contravention of any provision of this Code of Conduct occurs, the complainant shall attempt to meet with the Member to discuss the complaint and resolve the issue. In the event that a meeting between the complainant and the Member is not possible, or fails to resolve the issue, the complainant may request a meeting with the Member and the Chief Administrative Officer, an independent third party and/or the Mayor or Alternate to discuss the complaint and resolve the issue. In the event that a meeting with the Member, the Chief Administrative Officer, an independent third party and/or the Mayor fails to resolve the issue, the complainant may request the Chief Administrative Officer to investigate the complaint and/or to arrange for a neutral third party to mediate the dispute.
- 15.2 In the event the dispute can not be resolved after exhausting the steps set out in paragraph 15.1 above, Council may hold a special meeting of Committee of the Whole to determine if the member has breached this policy. The meeting shall be closed to the public, unless otherwise determined by the majority of members present at the meeting.

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- 15.3 The Member alleged to have contravened this Code of Conduct shall be given 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 Town shall have the right to legal representation.
- 15.4 Should Council determine after hearing all evidence that the 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 Committee of the Whole meeting to be sanctioned. The Sanction shall be ratified by Resolution at a session of Council.
- 15.5 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.
- 15.6 Sanctions include, but are not limited to demand of an apology, a public reprimand or a combination of any of the above.
- 15.7 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.
- 15.8 Nothing in this Sanction restricts or attempts to countermand a Member’s legal right to challenge a decision of Council through established legal channels.

Section 16: Implementation

- 16.1 Upon the adoption of this Code of Conduct and thereafter at the beginning of each term, Members will be expected to sign two copies of the Code of Conduct (one for themselves and one for the Clerk’s Office) to convey to each other and all stakeholders that they have read, understood and accept it.

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

Cross References

Municipal Act 2001 S.O. 2001, c.25 as amended
Municipal Conflict of Interest Act, R.S.O. 1900, c.M.50
Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56
Municipal Elections Act
Procedural By-law, as amended
Employee Code of Ethics and Conduct Policy
Use of Corporate Resources During an Election Year Policy
Responsible Computing Guidelines Policy
Electronic Mail and Messaging Systems Usage Policy and Guidelines
Violence and Harassment Free Workplace Policy
Human Rights Code
Criminal Code of Canada

SIGNATURE

The undersigned Member hereby acknowledges that they have read, understood and accept this Code of Conduct.

Signature of Member

Date

Printed Name