

# **CODE OF CONDUCT FOR COUNCIL AND COMMITTEE MEMBERS**

## **[September 21st, 2010]**

### **1.0 Application**

- 1.1 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 committees by Council.
- 1.2 As chief executive officer, the Mayor has additional responsibilities and, accordingly, must:
- a) uphold and promote the purposes of the municipality;
  - b) promote public involvement in the municipality's activities;
  - c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
  - d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

The principles set out in this Code of Conduct apply to the distinct role of the Mayor as the context requires.

- 1.3 All Members of Council and members of the public appointed to a city committee are expected to follow this Code, the Council Procedural Bylaw and other sources of applicable procedural law. They are also subject to other sources of law such as:
- Municipal Act, 2001
  - Municipal Conflict of Interest Act
  - Municipal Elections Act
  - Municipal Freedom of Information and Protection of Privacy Act
  - The Criminal Code of Canada

### **2.0 Responsibilities of Council, the Mayor and Councillors**

- 2.1 Council as a whole has the authority to approve budget, policy or processes, including the structures and procedures for committees. Authority to act on behalf of Council, including through a committee, can only be delegated by Council or through law.
- 2.2 Council is responsible for and dedicated to providing good and effective government for the public in an open, accountable and transparent manner.
- 2.3 A fiduciary relationship exists between the Council and inhabitants of the municipality.
- 2.4 Members of Council:
- a) when appointed to committees and other bodies as part of their duties must make every effort to participate actively in these bodies with good faith and care,

- b) must uphold the law and conduct themselves with the highest degree of ethical behaviour and integrity,
- c) must avoid conflict of interest,
- d) must seek to advance the public interest with honesty and treat members of the public with dignity, understanding and respect, and
- e) may not make statements known to be false or make a statement with the intent to mislead Council or the public.

### **3.0 Members of Council and the Role of Staff**

- 3.1 Mutual respect and cooperation are required to achieve the Council's corporate goals and implement the Council's strategies through the work of staff. The role of Council is to lead through setting policy and budget. It is not to manage or administer.
- 3.2 Staff members serve Council and work for the municipal corporation under the direction of the chief administrative officer. Council directs staff through its decisions as recorded in the minutes and resolutions of Council. Members of Council have no individual capacity to direct members of staff to carry out particular functions.
- 3.3 Inquiries of staff from Members of Council should be directed to the chief administrative officer or the appropriate senior staff as directed by the chief administrative officer.
- 3.4 Members of Council must respect that:
  - a) staff provide advice and make policy recommendations in accordance with their professional ethics, expertise and obligations. They must not wilfully injure the reputation, impugn the integrity or question the capabilities or performance of staff in a manner that is inappropriate.
  - b) certain staff work within the administration of justice. They must not make requests or statements or take actions which may be construed as an attempt to influence the independent administration of justice.
  - c) staff undertake their duties based on political neutrality without undue influence. They may not invite or pressure any member of staff to engage in partisan political activities.

### **4.0 City Assets and Gifts**

- 4.1 Council is the custodian of the assets of the municipality. The community places its trust in Council and those it appoints to make decisions for the public good in relation to these assets
- 4.2 Members of Council and members of the public appointed to committees must not use municipal assets for personal convenience, for profit or to assist during an election or in relation to a nomination, except where such privileges are granted to the public or provided by law.
- 4.3 Members of Council and members of the public appointed to committees must not accept gifts and benefits except as provided for under law and in the course of their duties. They may accept gifts of token value only but should be aware

that even these may place them in a position where their actions are open to serious question.

## **5.0 Confidentiality**

- 5.1 Members of Council have a duty to hold information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. They must not, either directly or indirectly, release, make public or in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or required by law.
- 5.2 Members of Council must not disclose, use or release information in contravention of applicable privacy law. They are only entitled to information in the possession of the municipality that is relevant to matters before the Council or a committee. Otherwise, they enjoy the same level of access rights to information as any other member of the community and must follow the same processes as any private citizen.
- 5.3 Members of Council must not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law.

## **6.0 Committees and Members of Committees**

- 6.1 Members of the public appointed to committees are appointed at the pleasure of Council. They do not hold office as elected officials nor do they represent either Council or the committee unless mandated to do so. Members of the public appointed to 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.
- 6.2 Committees operate only within meetings for which proper notice has been given or as a matter duly added to an agenda.
- 6.3 Committee work often depends on the specific expertise of members of the public appointed to committees, including their employment or 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 still be declared, however, for the purposes of openness.
- 6.4 Committees of Council are either advisory or quasi-judicial in nature, or have a management function.
  - (i) An advisory Committee provides Council with information or recommendations on matters related to their mandate for a Council decision.
  - (ii) Quasi-judicial committees, such as the Appeals Committee and the Committee of Adjustment, make decisions that are not subject to Council approval but may be the subject of an appeal to another body, such as the Ontario Municipal Board.
  - (iii) A management committee has responsibility for the management of an entity such as a cemetery.

- 6.5 If a pecuniary interest or an appearance of such arises in relation to any matter, members of the public appointed to a Committee with an advisory role must declare the pecuniary interest in a matter being discussed. The member may participate in the discussion but may not vote on the matter.
- 6.6 If a pecuniary interest or an appearance of such arises in relation to any matter, members of the public appointed to a Committee with a quasi-judicial role or with a management function must declare the pecuniary interest in a matter being discussed, must physically leave the room during the discussion of the matter, and must not communicate with Committee members about the matter before, during, or after the meeting at which the matter is discussed.
- 6.7 Committee work is part of the public record. Committees must ensure that their recommendations are sufficiently detailed and recorded clearly so that they can be relied upon by Council or the standing committee acting upon them.
- 6.8 The minutes of a committee meeting must record when any member has declared an interest (section 6.3) or a pecuniary interest (sections 6.5 and 6.6) as well as the circumstances in which the member left the room, the times at which the person left and returned to the meeting.
- 6.9 In addition to the recording of minutes as required by section 6.8, where:
- (i) a member of an advisory committee has declared a pecuniary interest (section 6.5); or
  - (ii) a member of a management committee has declared a pecuniary interest (section 6.6)

The declaration as well as the nature of the pecuniary interest must be recorded as part of the recommendation to Council so that Council may be aware of the declaration when making its decision.