

CODE OF CONDUCT FOR COUNCIL AND COMMITTEE MEMBERS

[July 15th, 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) may not impugn or malign a debate or decision or otherwise erode the authority of Council,

- b) 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,
- c) must uphold the law and conduct themselves with the highest degree of ethical behaviour and integrity,
- d) must avoid conflict of interest,
- e) must seek to advance the public interest with honesty and treat members of the public with dignity, understanding and respect, and
- f) 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 representatives do 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 may only meet and conduct business when proper notice has been given or on a matter duly added to the agenda.
- 6.3 If a pecuniary interest or an appearance of such arises in relation to any matter, members of the public appointed to committees should follow one of the two following processes:
- a) if the role of the committee is only advisory, declare any pecuniary interest on the record so the decision makers who receive the advice as part of the ultimate decision making-process are aware of such interest.
 - b) if the committee either
 - makes decisions under delegated authority or
 - makes recommendations that are regularly accepted by Council without debate, declare the pecuniary interest on the record, remove themselves from any presentation or discussion of the subject matter through physically leaving the room and ensuring the minutes of the meeting reflect the steps taken.

- 6.4 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 may still be declared, however, for purposes of openness.
- 6.5 Committee work is part of the public record. Committees must ensure that their recommendations are sufficiently detailed and clear so that they can be relied upon by Council or the standing committee acting upon them. All declarations of pecuniary interest and actions taken in response must be recorded in Committee minutes.

BY-LAW NO. 2010-XXX

A BY-LAW TO ESTABLISH TAX CAP PROGRAM DECREASE LIMITS FOR 2010

PASSED

WHEREAS Part IX of the Municipal Act, 2001, S.O. 2001, c.25, as amended, governs the limiting of tax increases on property in the commercial property class, the industrial property class and the multi-residential property class;

AND WHEREAS, Subsection 329 provides the determination of taxes for municipal school purposes, in the commercial property class, the industrial property class and the multi-residential property class;

AND WHEREAS, Subsection 329 provides the determination of maximum taxes to be levied on a property in the commercial property class, the industrial property class and the multi-residential property class;

AND WHEREAS, Subsection 330 (1) enables Council of this municipality to pass a by-law to establish a percentage by which tax decreases are limited for 2010 in respect to property in the commercial property class, the industrial property class and the multi-residential property class in order to recover all or part of the revenues foregone as a result of the application of subsection 329;

AND WHEREAS, Subsection 330 (2) of such statute provides that the application of the by-law shall apply to all properties in the property class whose taxes for municipal and school purposes for the previous year, as determined under subsection 329 of such statute, exceed their taxes for municipal and school purposes for the current year, as determined in the statute;

AND WHEREAS, Subsection 330 (3) of such statute provides for the same percentage for all properties in a property class, but different percentages may be established for different property classes;

NOW THEREFORE the Council of the Corporation of the City of Kingston enacts as follows:

1. The percentages by which tax decreases are limited for the year 2010 shall be:

Multi-Residential Class	88.5681%
Commercial Class	38.5891%
Industrial Class	22.7116%

2. This By-Law shall come into force and take effect on the date of its passing.

GIVEN FIRST AND SECOND READINGS:

GIVEN THIRD READING AND PASSED:

CITY CLERK

MAYOR