



THE CORPORATION OF THE TOWNSHIP OF CHAPPLE

BYLAW NO 1652

*A By-law to adopt a Code of Conduct for Council and
Committee Members of The Corporation of the
Township of Chapple*

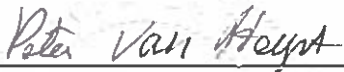
WHEREAS the *Municipal Act, 2001*, as amended, subsection 223.2(1) authorizes municipalities to establish codes of conduct for members of council and local committees;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CHAPPLE HEREBY ENACTS AS FOLLOWS:


1. THAT the Council and Committee Members Code of Conduct attached as Schedule "A" to and forming part of this by-law is approved and adopted.
2. THAT the CAO/Clerk Treasurer of the Township of Chapple is authorized to effect any minor modification or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Enacted and passed this 14th of February, 2018, as witnessed by the Seal of the Corporation and the hands of its proper Officers.

THE CORPORATION OF THE
TOWNSHIP OF CHAPPLE



Peter Van Heyst - Reeve



Peggy Johnson - CAO/Clerk Treasurer

SCHEDULE "A"
to
By-law No. 1652

CODE OF CONDUCT FOR COUNCIL AND COMMITTEE MEMBERS

1.0 Preamble

The *Ontario Municipal Act*, Part V(1), section 223 addresses Accountability and Transparency issues and provides authority for municipalities to establish codes of conduct for Council members and members of committees.

It is understood that attaining an elected position is a privilege which carries significant responsibilities and obligations. It is further understood that Council members are to be held to a higher standard of behavior and conduct than the general public. Council members must be independent, impartial and responsible to the people. Members are expected to act with integrity and impartiality that will bear the closest scrutiny.

Members can become disqualified and lose their seat if convicted of an offence under the Criminal Code of Canada or for failing to declare a conflict of personal interest under the *Municipal Conflict of Interest Act*.

At the commencement of each term, Members of Council and Committee Members shall sign two copies of the Code of Conduct, and convey to each other and all stakeholders that they read, understand, accept, and agree to abide by it.

2.0 Application

2.1 This Code of Conduct applies to all Members of Council, being the Reeve and each Councillor. It also applies to all members of the public appointed to committees by Council.

2.2 The Reeve 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 Reeve as the context requires.

2.3 All Members of Council and members of the public appointed to a municipal committee are expected to follow this Code, the Council Procedural By-law 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

3.0 Responsibilities of Council, the Reeve and Councillors

3.1 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.

3.2 Council is responsible for and dedicated to providing good and effective government for public in an open, accountable and transparent manner.

3.3 A fiduciary relationship exists between the Council and inhabitants of the municipality.

3.4 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.

4.0 Communication

4.1 Members will accurately and adequately communicate the decisions of Council, even if they disagree with a majority decision.

4.2 Members are to respect the decision making processes of Council.

4.3 Councillors must convey and conduct Council business in an open and public manner (other than those matters excluded by section 239(2) *Ontario Municipal Act* so that stakeholders may learn the process, logic and rationale which is used to reach conclusions or decisions.

4.4 Council will periodically use formal or informal opportunities to seek public input as part of the decision making process on issues which have broad impacts on the community.

4.5 Council members will speak respectfully of each other, staff, the municipality and all Council decisions.

4.6 Councillors will not comment on other Members or staff in a manner which casts aspersions on their professional competence and/or credibility.

5.0 Members of Council and the Role of Staff

5.1 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.

5.2 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.

5.3 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.

5.4 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 willfully 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.

6.0 Municipal Assets and Gifts

- 6.1 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.
- 6.2 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.
- 6.3 No Member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office.
- 6.4 The following are exceptions to section 6.3:
- Food, lodging or transportation and entertainment provided by another government body;
 - Food and beverages consumed at banquets and receptions;
 - A suitable memento of a function honouring the Member; and,
 - Gifts that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation.

7.0 Confidentiality

- 7.1 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 deliberation to anyone, unless authorized by Council or required by law.
- 7.2 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.
- 7.3 Members of Council must not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law.
- 7.4 No Member shall use confidential information for personal or private gain, or for the gain of relatives, or any person or corporation.
- 7.5 Council Members may only release information in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

8.0 Committees and Members of Committees

- 8.1 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.
- 8.2 Committees operate only within meetings for which proper notice has been given or as a matter duly added to an agenda.

- 8.3 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 be declared, however, for the purposes of openness.
- 8.4 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 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 (ie. such as a cemetery).
- 8.5 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.
- 8.6 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.
- 8.7 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.
- 8.8 The minutes of a committee meeting must record when any member has declared an interest (section 8.3) or a pecuniary interest (sections 8.5 and 8.6) as well as the circumstances in which the member left the room, the times at which the person left and returned to the meeting.
- 8.9 In addition to the recording of minutes as required by section 8.8, where:
- i) A member of an advisory committee has declared a pecuniary interest (section 8.5); or,
 - ii) A member of a management committee has declared a pecuniary interest (section 8.6).

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.

9.0 Relationship with Other Councillors and Staff

- 9.1 The Member shall treat the Chair, other Members, staff and delegations with courtesy, respect and good faith.
- 9.2 Only Council as a whole can direct staff members to carry out specific functions.
- 9.3 Council Members agree that staff members have a duty to the whole Council rather than any individual member.
- 9.4 Members shall conduct themselves with decorum at Council Meetings.
- 9.5 Members shall be respectful of the role of staff to advise based on objectivity and without undue influence from any individual member of Council.

9.6 No Member shall use, or attempt to use, their authority or influence for the purposes of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

9.7 Council Members will act collectively to ensure good governance.

10.0 Use of Municipal Property

10.1 Members will only use Municipal property, equipment or services connected with the discharge of their official duties.

11.0 Improper Use of Influence

11.1 No Member shall use the influence of his or her office for any purpose other than for the exercise of official duties.

11.2 No Member may promise an appointment or use his or her influence to obtain an appointment to any position as a reward for any political activity or contribution.

12.0 Duty to Report Violation

12.1 No one may, directly or indirectly, induce, encourage, or aid a Member to violate any provision of this code.

12.2 Neither the Municipality nor any Council Members may take or threaten to take, discharge, discipline, personally attack, harass, intimidate, or change a job or salary against a person or their family for reporting a violation of the Code.

13.0 Integrity Commissioner

13.1 Integrity Commissioner is independent from both Council and staff.

13.2 Individual appointee(s) who reports to Council and is responsible for performing in an independent manner the functions assigned by the municipality with respect to the code of conduct and the procedures, rules and policies of the municipality.

13.3 The Commissioner has the power to conduct an inquiry if requested by Council, a member of Council or a member of the public about whether a member of Council or committee has contravened the Code of Conduct.

13.4 The Commissioner is entitled to free access to all books, accounts and records, things or property belonging to or used by the municipality that he/she believes to be necessary in the performance of the investigation.

13.5 The Commissioner may elect to use the powers of a commission under Parts I and II of the *Public Inquires Act, 2006*.

13.6 The Integrity Commissioner will be reimbursed for reasonable expenses incurred in the performance of their duties.

13.7 All official correspondence of the Integrity Commissioner must be sent by registered, certified mail or personal service.

13.8 Records of the Integrity Commissioner must be retained for a period of not less than five (5) years.

14.0 Penalty

14.1 A penalty includes:

- A reprimand and/or;
- A suspension of the remuneration paid to the Member in respect of his or her services as a Member of Council or of the committee, as the case may be, for a period of up to 90 days.

14.2 The Integrity Commissioner may also recommend that Council or the committee take the following actions:

- Removal as Chair of a Committee or committee;
- Repayment or reimbursement of moneys received;
- Return of property or reimbursement of its value; and,
- A request for an apology to Council, the complainant, or both.

CODE OF CONDUCT FOR COUNCIL AND COMMITTEE MEMBERS

I, _____, having been elected or appointed to the office
(name of person)

of _____
(name of office)

in the municipality of _____ **CHAPPLE** _____
(name of municipality)

do convey to each other and all stakeholders that I have read, understand, accept, and agree to abide by the Code of Conduct.

And I make this solemn promise and declaration conscientiously knowing that it is of the same force and effect as if made under oath.

Declared before me)
 at the Township.....)
 of Chapple.....)
 in the District of Rainy River)
 on _____)

 signature of declarant

 Commissioner for taking Affidavits