

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 07-063

BEING a by-law to establish a Code of Conduct for the Corporation of Tay Valley Township.

WHEREAS Section 11 of the Municipal Act 2001, c.25 SO 2001, as amended, authorizes a municipality to pass by-laws regarding Accountability and Transparency of the municipality and its operations and of its local board and their operations; and

AND WHEREAS, Section 223.2(1) of the Municipal Act, SO 2001, as amended, authorizes a municipality to establish codes of conduct for members of the council of the municipality and of local boards of the municipality; and

AND WHEREAS, Council has determined that the establishment of a Councillor's "Code of Conduct" will better the Township's ability to govern the affairs of Tay Valley Township.

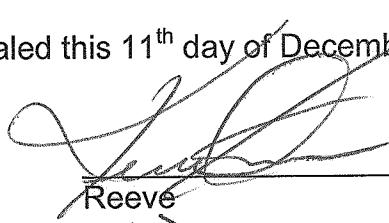
AND WHEREAS, the Corporation of Tay Valley Township deems it desirable to adopt a code of conduct that would apply to members of Council of Tay Valley Township

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows;

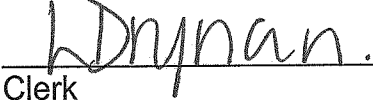
1. THAT this Council does hereby adopt the Code of Conduct, attached hereto as Schedule "A".
2. THAT Schedule "A" forms part of this by-law.
3. THAT this by-law shall come into force and take effect on the date of its passing.

Read a first and second time this 11th day of December, 2007.

Read a third time, passed, signed and sealed this 11th day of December, 2007.



Reeve



Clerk

CODE OF CONDUCT FOR MEMBERS OF COUNCIL FOR THE CORPORATION OF TAY VALLEY TOWNSHIP

PURPOSE

The Code of Conduct sets minimum standards for the behaviour of members of Council in carrying out their functions. It has been developed to assist members of Council to:

- (1) Understand the standards of conduct that are expected of them and the laws that apply in relation to these standards;
- (2) Fulfill their duty to act honestly and to exercise reasonable care and diligence;
- (3) Act in a way that enhances public confidence in local government; and
- (4) Identify and resolve situations which might involve a conflict of interest or a potential misuse of position and authority.

STANDARDS OF CONDUCT

- (1) Members of Council shall at all times seek to advance the common good of the community which they serve.
- (2) Members of Council shall truly, faithfully and impartially exercise the office to the best of their knowledge and ability.
- (3) Members of Council shall refrain from behaviour that could constitute an act of disorder or misbehaviour. Specifically, Members of Council shall refrain from conduct that:
 - Contravenes federal or provincial statutes or legislation, the Municipal Act, municipal by-laws, associated regulations, and the Corporations Code of Conduct.
 - Is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others.
 - Prejudices the provision of a service or services to the community.

CONDUCT TO BE OBSERVED

(1) Release of Confidential Information

Members of Council have a duty to hold in strict confidence all information concerning matters dealt with at *in camera* meetings or that is determined to be confidential by the Chief Administrative Officer or Clerk or as specifically declared by Council. A Member of Council shall not, either directly or indirectly, release, make public or in any way divulge any such information or any aspect of the *in camera* deliberations to anyone, unless expressly authorized by Council or required by law to do so.

- Members of Council shall not release information in contravention of the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M.56*.

- Members of Council shall not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law to do so.
- Members of Council shall not misuse confidential information (information that they have knowledge of by virtue of their positions that is not in the public domain, including emails and correspondence from other Members of Council or third parties) such that it may cause detriment to the Corporation, Council or others, or benefit or detriment to themselves or others.
- All in camera materials shall be destroyed or collected at the end of each in camera session by the Clerk or Chief Administrative Officer.

(2) Foster Respect for Decision-making Process

All Members of Council shall accurately and adequately communicate the attitudes and decisions of the Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.

(3) Release of Information to Public and Media

Members of Council acknowledge that official information related to decisions and resolutions made by Council will normally be communicated to the community and the media by the Council as a whole or the Reeve as Head of Council or by those so designated.

(4) Acceptance of Gifts

Members of Council shall comply with the Municipal Conflict of Interest Act and must not accept a gift or personal benefit that is connected with their performance of the duties of office. This does not include gifts or personal benefits received as a matter of the protocol or social obligations that normally accompany the responsibility of office.

(5) Engaging in Incompatible Activity

Members of Council shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties in the public interest.

Without limiting the generality of the foregoing, Members of Council shall not:

- Use any influence of office for any purpose other than official duties;
- Act as an agent before Council or any Committee, Board or Commission of Council;
- Solicit, demand or accept the services of any corporation, employee, or individual providing services to the municipality at a time in which said person or corporation is being paid by the municipality;
- Use any information gained in the execution of office that is not available to the general public for any purpose other than for official duties;
- Place themselves in a position of obligation to any person or organization which might benefit from special consideration or may seek preferential treatment;
- Give preferential treatment to any person or organization in which a Member of Members or Council have a financial interest;

- Influence any administrative or Council decision or decision making process involving or affecting any person or organization in which a Member or Members of Council have a financial interest; and
- Use Corporation materials, equipment, facilities or employees for personal gain or for any private purpose. With the exception of the ancillary personal private use of computer equipment and highspeed internet service supplied by the municipality for municipal purposes.

(6) **Conflict of Interest**

It is the responsibility of individual Members of Council to ensure that they are aware of and trained in the application of the Municipal Conflict of Interest Act. The onus is on the Councillor to identify a conflict of interest, and shall take the appropriate action to identify the existence of a conflict in favour of his/her public duty.

- A conflict exists when an individual is, or could be, influenced, or appear to be influenced by a personal interest, financial (pecuniary) or otherwise, when carrying out his/her public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgement, closed mindedness or undue influence.
- Members of Council must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their public or professional duties in accordance with statutory requirements. When considering whether or not a conflict exists, it is important to consider whether there are any grounds for a reasonable person to think that a conflict exists.

Recognizing that it is impossible to anticipate all possible conflicts that may arise during a Member of Council's term of office and, that those conflicts may not be only pecuniary in nature, it is generally advisable to be as open as possible. It is not enough that a conflict not exist, it must also be seen by taxpayers not to exist.

The following principles should be used as a guide:

- In making decisions, always place the interests of the taxpayers first and, in particular, place them before the interests of colleagues on Council, staff, friends, or family.
- Always interpret the phrase "Conflict of Interest" in the broadest possible terms.
- A factor which could be considered a conflict by taxpayers should be treated as a conflict and be disclosed by the Member of Council.
- If in doubt, it is better to disclose a situation.
- It is the responsibility of individual Member of Council to obtain independent legal advice with respect to any situation that might arise whereby there is a potential for a conflict of interest.
- It is considered a breach of this policy to require or to attempt to burden staff members to assist in the determination of a conflict of interest for individual Member of Council.

(7) Avoidance of Waste

Members of Council shall avoid waste, abuse and extravagance in the provision or use of public resources, and shall expose fraud and corruption of which the Member of Council is aware.

INTERPERSONAL BEHAVIOUR OF MEMBERS OF COUNCIL

(1) Treat Every Person with Dignity, Understanding and Respect

Members of Council shall abide by the provisions of the *Human Rights Code* and, in doing so, shall treat every person, including other Members of Council, corporate employees, individuals providing services on a contract for service, students on placements, and the public, with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination.

(2) Not to Discriminate

In accordance with the *Human Rights Code*, Members of Council shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, religious affiliation or faith, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability. "Age", "disability", "family status", "record of offences", "same sex partnership status" shall be as defined in the *Human Rights Code*.

(3) Not to Engage in Harassment or Bullying (Psychological Harassment)

In accordance with the *Human Rights Code*, harassment shall mean engaging in a course of vexatious comment or conduct that is known, or ought to be known, to be unwelcome. Bullying is the ongoing health or career endangering mistreatment of an employee, by one or more of their peers or higher-ups. Unlikely to involve physical violence, it usually takes the form of psychological abuse. Often, verbal and strategic insults are intended to prevent targets from being successful in their job.

The exercise of performance management tools with respect to corporate employees for legitimate purposes by Council is not harassment or bullying. Notwithstanding, Council shall not comment publicly on the performance of any individual corporate employee.

(4) Protection of Privacy

Councillors shall comply with the Municipal Freedom of Information and Protection of Privacy at all times. Public comments, discussions and disclosures to the media regarding employees or individuals that breach a persons privacy is deemed to be a contravention of this Code of Conduct.

ALLEGATIONS, BREACHES AND DISCIPLINARY ACTIONS

The Code of Conduct expresses standards of conduct expected for all Members of Council. Members of Council themselves have the primary responsibility to assure that these ethical standards and codes are understood and met, and that the public can continue to have full confidence in the integrity of Tay Valley Township's municipal government.

(1) Complaints made by Corporate Employees of Discrimination or Harassment

Where a corporate employee makes a complaint about harassment or discriminatory treatment by a Member of Council such complaint shall be delivered to the most senior administrative employee, typically the Chief Administrative Officer, or to the Reeve. Should the Reeve and/or Chief Administrative Officer be implicated in the complaint in any way, their respective designates shall assume all responsibility for this complaint process:

The complaint shall be processed as follows:

- The process shall be shared with the complainant prior to commencement of any action.
- The complainant shall be advised of his/her right to outside counsel and/or counseling services.
- The complaint shall be kept confidential, save and except for those persons named as participants in the process.
- The CAO and Reeve shall offer an opportunity for a hearing with the complainant to discuss the complaint. This hearing may be held off-site at the preference of the complainant.
- The CAO and Reeve shall conduct a hearing with the Member of Council to discuss the complaint. This hearing may be held off-site at the preference of the Member of Council. The name of the complainant shall not be divulged.
- The CAO and Reeve shall determine an appropriate course of action which shall be shared in writing with both the complainant and the Member of Council.

If the complaint is not resolved through this process, the complainant may lodge a complaint with full Council.

If the complaint is not resolved through this process, the complainant may lodge a complaint to the Ontario Human Rights Commission.

(2) Complaints made by Any Person

Any complainant may take the following steps, if applicable, to address prohibited activity by a Member of Council.

- A complainant may advise the Member of Council verbally or in writing that the activity contravenes this by-law.
- A complainant may encourage the Member of Council to stop the prohibited activity.
- A complainant may provide a written report or letter to the CAO and the Reeve (or their designates). Upon receipt, the complaint process for a complaint received from a corporate employee shall be completed.
- A complainant should keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information.

PROFESSIONAL DEVELOPMENT

Members of Council shall promote and participate in opportunities for professional development. Members of Council are required to stay updated on issues and trends so that they can be as efficient and effective as possible in the carrying out of their duties and responsibilities.

IMPLEMENTATION

- (1) A Code of Conduct component will be included as part of the orientation workshop for each new Council.
- (2) Members of Council are expected to formally and informally review their adherence to the provisions of the Code of Conduct on a regular basis.

SIGNATURE

The undersigned Member of Council hereby acknowledges receipt of a copy of By-law No. 07-063, being the Code of Conduct for Members of Council.

Signature of Member of Council
Acknowledgement of Receipt of Code of Conduct

Date

Printed Name

NOTE: The Member of Council acknowledges that two copies of the by-law were provided to the member. One signed copy of the by-law was returned to the Clerk and the duplicate copy was retained by the Member of Council.