



## Township of Algonquin Highlands Policies and Procedures Manual

# Code of Conduct for Elected or Appointed Officials Schedule "A"

Approved by By-Law Number: 2014-70

### **PURPOSE:**

This Code of Conduct establishes a shared and common foundation for acceptable behaviour, conduct and actions by members of Council in the Township of Algonquin Highlands. These principles are designed to supplement the legislative parameters within which the members of Council must operate. Additionally, this Code is a public declaration of the principles of good conduct and ethics that the members should demonstrate in the performance of their responsibilities as elected community representatives.

The Code of Conduct is intended to be a valuable added resource and guideline to assist Council in fulfilling their mandate in an effective, open and efficient manner and provides positive direction to members of Council in support of the following principles:

- That independent, impartial decision-making considers the best interests of the entire Municipality as envisioned in the Oath of Office;
- That communications are open, honest, consistent, respectful, consultative and inclusive;
- That private interests, real or perceived, are kept separate from public responsibilities;
- That respect and support for others, including other Council members, members of Township staff and members of the public, is maintained;
- That as leaders of the community, Council Members are held to a higher standard of behaviour and conduct to assure public confidence in the integrity of local government.

### **SCOPE:**

The Code of Conduct applies to Members of Council including the Reeve and all Ward Councillors for the Township of Algonquin Highlands.

### **PROCEDURE:**

Each elected or appointed official is responsible for understanding and complying with this policy. As such, each Member is expected to address any situations of existing or potential non-compliance.

The Code of Conduct will be reviewed by the incoming Township of Algonquin Highlands' Council as part of the Orientation Session.

## **PRINCIPLES OF CONDUCT:**

All Members of Council are committed to serving their constituents in an open, transparent and accountable manner. No member should use the influence of their position of office for any purpose other than the exercise of his or her official duties.

To carry out their duties to the best of their ability, Members of Council are obligated to:

- Take the prescribed Oath of Office
- Learn and follow the Procedural By-Law and all other applicable Township by-laws and policies
- Understand and follow the provisions of the *Municipal Act* and the *Municipal Conflict of Interest Act* which apply directly and indirectly to their role as a Member of Council
- Understand the role, responsibility and authority of the Reeve and a member of Council as outlined in the Municipal Act and as may be determined by Township policy
- Support Council's objectives as a whole
- Adhere to the Code of Conduct and report any contraventions as set out below

Although areas of ethical exposure are generally consistent and understood in municipal governance, the following areas and guidelines are paramount to the municipal political process:

### Business/Organization Relations

Members of Council must demonstrate transparency regarding to business relations and/or organizations conducting business with the Township. Council may not engage in any outside work or business activity that:

- Conflicts with their duties as a member of Council;
- Uses their knowledge of confidential plans, projects or information and;
- Will, or is likely to, negatively influence or affect them in carrying out their duties as a Member of Council.

### Communications and Media Relations

Members of Council are expected to accurately and adequately communicate the attitudes and decisions of the Township of Algonquin Highlands' Council, even if they disagree with a majority of Council so that:

- There is respect for the decision making processes of Council;
- Official information related to decisions and resolutions made by Council will normally be communicated in the first instance to the public and the media in an official capacity by the Reeve or designate;
- Information concerning adopted policies, procedures and decisions of Council is conveyed openly and accurately;
- Confidential information will not be communicated to the media unless determined otherwise by Council.

The Reeve is the official spokesperson for the Township, unless otherwise designated.

### Confidentiality and Use of Municipal Information

Every Member will ensure that confidential information provided through the course of their duties is kept strictly confidential, during their term of office and thereafter, and not released without the approval of Council.

All requests for confidential Township 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*.

In the spirit of this Code of Conduct, Council Members will:

- Use information acquired through their official duties appropriately so as not to be used to their personal advantage;
- Use confidential information appropriately so as not to cause detriment or a benefit to others;
- Respect the confidentiality of information concerning the Township and not disclosing this information without proper authorization;
- Understand they have access to information protected under legislation.

### Conduct During Meetings/Events

During Council meetings and/or other meetings or events where they are representing the Township, Council Members should conduct themselves with decorum and in accordance with the Township's Procedural By-Law, as amended from time to time. The Reeve is the official spokesperson for the Township at meetings/events unless otherwise delegated.

It is the role and responsibility of the Chair to maintain order during Council Meetings, and Council Members will demonstrate respect and courtesy to delegates, fellow members, staff and members of the general public. Members should not distract from the business of the Council during presentations and when other members have the floor.

### Conflicts of Interest

Members will recognize their obligation to follow and respect the provisions of the *Municipal Conflict of Interest Act, 1994*, as amended from time to time. Council Members will not ask for the opinion of staff on a potential conflict of interest.

Additionally, Members should be aware that some conflicts may be perceived in nature and will need to be considered on an individual basis to ensure integrity in the decision making process. Council Members will disclose all interests including, perceived and pecuniary.

## Expenditures and Purchases

Members of Council are typically not involved in direct procurement activities for the Township. However, where a Member may be responsible for a certain budget and/or where they are anticipating reimbursement for purchases made, members will ensure they are following any relevant Township by-laws and policies including, but not limited to, the Township Purchasing Policy.

## Gifts and Benefits

To ensure and foster a culture of impartiality and objectivity members will not, directly or indirectly through family members, solicit any gift or accept/receive any gift or personal benefits or rewards which may be tied, or inferred to be tied, directly or indirectly to their position or the performance of their duties.

Members of Council will only:

- Accept meals and beverages, entertainment, fees, gifts, or hospitality of a nominal value (defined as a value of under \$200) that could not be reasonably construed as being given in anticipation or recognition of special consideration by the member or the Corporation;
- Accept offers of hospitality or entertainment if the offer is infrequent (less than 3 times a year by an individual, business or organization) and appropriate to the occasion. In these circumstances, it is assumed that the nature of the business discussed is important enough to the Township that reciprocal arrangements should openly be made and charged to the Township.

## Public Input

Council will periodically use formal and informal opportunities to seek public input as a component of the decision-making process which has a broad impact on the community. The purpose of the exercise will be to provide stakeholders with a mechanism to submit opinions/concerns/support so that the widest range of views and information is available before final decisions are made.

## Relationships with Staff

Effective governance relies on the cooperative efforts of elected officials, who set policy, and Township staff who implements and administers Council policies. It is expected that mutual respect will be shown for the contributions made by each for the good of the community.

Additionally, Members of Council will:

- acknowledge that only Council as a whole has the capacity to direct staff members, through the CAO, to carry out specific tasks or functions;

- refrain from using their position to improperly influence members of staff or other Council Members in their duties or functions to gain an advantage for themselves, their Ward area, or others;
- not publicly speak disrespectfully, disparagingly or negatively about a staff member in a way that falsely injures the professional credibility or ethical reputation of that individual. Any concerns regarding the conduct of an employee will be brought to the attention of the CAO, or if the concerns relate to the conduct of the CAO, it should be brought to the attention of the Reeve;
- be respectful that staff carry out responsibilities that are set out in legislation and are charged with providing advice that is objective and based upon their professional expertise, politically neutral, and consider a corporate perspective, without undue influence from any individual member or group of members of Council;
- be respectful that staff are charged with the providing advice and information that is objective and based upon their professional expertise, political neutrality and consider a corporate perspective without any undue influence from any individual member or group of members of Council;
- be respectful and supportive of the Township's commitment to fostering an environment that is free from discrimination, harassment, interference, intimidation or coercion through personal adherence to the Township's Respect in the Workplace Policy and the Ontario Human Rights Code.

#### Relationships with Fellow Members

Council Members will establish a working relationship with fellow members that recognizes and respects the diversity of opinion and achieves the best possible outcomes for the community.

Members of Council will:

- honour the role of the chair in maintaining order at the Council table;
- be respectful that other Council members have taken the same Oath of Office as they have, and have the right to a different point of view providing it is appropriately and responsibly shared;
- not publicly speak disrespectfully, disparagingly or negatively about a fellow Member in a way that casts aspersions on their professional competence and credibility;
- demonstrate a cooperative and effective problem solving approach;
- practice civility and decorum in discussions and debate.

## Use of Municipal Property

Members of Council will use Township property, equipment, supplies or services only for activities connected with the discharge of their official duties as sanctioned by Township policy or by-law. Any equipment or supplies purchased by the Township in the exercise of the Members' duties (ie. computers, mobile devices, etc.) is Township property and will be returned to the Township at the end of a member's term.

## Social Media

The Township recognizes that social media applications are widely being utilized as communication tools with the potential to provide the public with timely information. Such information is necessary for all who live, work and play in the Township of Algonquin Highlands and the Township is committed to disseminating information in a range of formats to reach a variety of audiences.

Council Members who participate in social media communications on behalf of the Township will do so in accordance with the following:

1. Use of an Council Member's municipal email address, communicating in an official capacity, or discussing municipal business on corporate social media sites constitutes conducting municipal business;
2. Council Members will conduct themselves in a positive, professional, honest, ethical and fair manner at all times and in accordance with this policy and all related policies in the best interest of the Corporation;
3. Corporate responses to online postings, blogs and discussion forums about Township-related business will be done by the Reeve unless otherwise assigned;
4. The Township of Algonquin Highlands' website ([www.algonquinhighlands.ca](http://www.algonquinhighlands.ca)) will remain the Township's primary and predominant internet presence for in-depth information, forms and online documents. All social media sites used will direct visitors back to the appropriate section of the website.

Council Members will refrain from posting the following to their personal social media pages:

1. Content which violates the Criminal Code of Canada or the Ontario Human Rights Code;
2. Proprietary and confidential municipal information;
3. Discriminatory, disrespectful, disparaging, negative statements involving or against the Township, a staff member, a member of the public or any member of Council;
4. Content which violates any of the Township's policies;

5. The Township's logo, trademark or graphics without the Township's prior written consent.

Any content that is deemed inappropriate or does not adhere to this policy should be brought to the attention of the Reeve. The Reeve may direct that any information that is deemed unsuitable, inappropriate or in violation of this policy be edited or removed from social media sites.

#### Work of a Political Nature

Members are not permitted to use Township facilities, services, or property for an election or re-election campaign, expression of support for or against a political candidate, or any other outside political activity. Additionally, no member will utilize the services of a Township employee for a political campaign, during hours in which they are in the paid employment of the Township. Members will not promote themselves, or another campaign, through the use of advertisements, flyers, posters, or any other method of communication while located on Municipal property.

In applying these principles, the following shall apply during election periods, as defined by being between Nomination Day up to and including Election Day:

- (a) Public events will only be organized and run by the Council and/or staff if they are part of the normal services or operation of the Township.
- (b) Media services and advice, including media releases, will not be provided for Council members by staff during the election period for election purposes.
- (c) Neither the Township logo or stationery will be used by Council members in any way that relates to the election.
- (d) Information on the Township's website will be restricted to Council members' contact details. References to the election on the website shall only relate to the process of conducting the election.
- (e) Council member expenditures are not to be used for electoral purposes or electoral gain. Claims will only be reimbursed if the expenditure is incurred while conducting Council related business.

In addition, equipment and facilities provided to Council members for the purpose of conducting normal council business will not be used for campaigning purposes.

Where Council members have Council funded services, such as mobile devices, and where it is impractical for Council members to discontinue their use of these during the election, Council members will reimburse the Township for usage of those services during the election period that exceeds normal usage levels.

## Compliance/Contravention

Members have a responsibility to ensure that ethical standards are understood and met and any offences should be pointed out to the Reeve in private. It is the Reeve's responsibility to initiate action if a Council Member's behaviour warrants it. If it is the Reeve's actions that are being challenged, then the matter should be referred to the Deputy-Reeve in private.

Council Members who intentionally and repeatedly do not follow proper conduct, may be reprimanded or formally censured by Council, lose committee assignments or have official travel restricted. Serious infractions of the Code of Conduct could lead to other sanctions as deemed appropriate by Council.

Should a serious transgression occur relating to a member of Council, Council has the right to appoint an Integrity Commissioner who, in turn, has an obligation to conduct an independent investigation and then report back to Council in accordance with Section 223 of the *Municipal Act, 2001, S.O. 2001 as amended*. The final report shall be made available to the public.

As prescribed in legislation, penalties that may be imposed by the Township where the Integrity Commissioner reports that a Member of Council has contravened the Code of Conduct include:

- 1) A reprimand; OR
- 2) Suspension of remuneration for a period of up to 90 days.

If the Commissioner, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of the *Criminal Code (Canada)*, the Commissioner shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to Council.

Council also has the right and obligation to report any transgressions of an illegal matter to the appropriate police authority.

All breach's under the Code of Conduct will be treated fairly and in keeping with the severity of the infraction giving due regard to the individual's previous conduct.

Nothing in this section restricts or attempts to countermand a Councillor's right to challenge a decision of Council through established legal channels.