



# Council Code of Conduct, Ethics and Values

January, 2019

## 1.0 Preamble

As members of Council, it is recognized that actions have an impact on the lives of all residents and property owners in the community. Fulfilling the obligations and discharging the duties of public offices in a responsible manner requires a commitment to the highest ethical standards.

The quality of the public administration and governance of the Township of Tehkumma as well as its reputation and integrity, depends on the conduct of elected officials.

## 2.0 Purpose

- 2.1 The purpose of this Policy is to comply with Section 223.2 of *The Municipal Act*, and Ontario Regulation 55/18 to establish a Code of Conduct, Ethics and Values which outlines basic ethical standards and values for members of Council including any individual appointed by Council to sit on any board, committee, or other body established by Council.
- 2.2 It is to be used to guide members of council, boards, committees, corporations or other bodies respecting what their obligations are when fulfilling their duties and responsibilities.
- 2.3 The Code, as set out in Appendix A, is to be interpreted in accordance with municipal legislation, the common law and the policies and by-laws of the Township.
- 2.4 Neither the law nor this Code is to be interpreted as exhaustive, and there will be occasions on which a Council will find it necessary to adopt additional rules of conduct in order to protect the public interest and to enhance the public confidence and trust in local government, including the Procedural By-law.

## 3.0 Scope

- 3.1 This Policy applies to all Members of Council and will be applicable to all members of committees, boards, and other bodies established by Council who are not members of Council.

## 4.0 Responsibility

- 4.1 It is the responsibility of each member of Council, including any individual appointed by Council to sit on any board, committee or other body established by Council to uphold the standards and values as set out in this Code.



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## 5.0 Detailed Policies

### 5.1 APPROPRIATE USE OF TOWNSHIP ASSETS AND SERVICES

#### 5.1.1 Expectation of Privacy

All members of Council are notified that all computers, cell phones, tablets and other electronic devices of the Township are the property of the Township, and shall, at all times, be treated as the Township's property. Council members are hereby notified that they are to have no expectation of privacy in the use of these devices.

#### 5.1.2 Appropriate Use

All members of Council are entitled to various Township-paid services or resources, and in using said resources they shall:

- a) follow the same rules and practices regarding reimbursement of travel expenses that are followed by civic staff; and,
- b) use Township resources including civic staff, postage, photocopiers, phones, newsletters, stationery and any other civic property and equipment for civic business only.

### 5.2 GIFTS, BENEFITS AND HOSPITALITY

No member of Council shall accept a fee, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office, unless permitted by the exceptions listed below. For these purposes, a fee or gift or benefit that is paid to or provided with the member's knowledge to a member's spouse, partner, child or parent that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member.

The following are recognized as exceptions:

- a) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, provided that the value of the gift or benefit does not exceed \$100.00;
- b) a suitable memento of a function honoring the member;
- c) food, lodging, transportation, event tickets or entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the member is either speaking or attending in an official capacity; and



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- d) food and beverages consumed at banquets, receptions, business lunches or similar events, if attendance serves a legitimate business purpose, the person extending the invitation, or a representative of the organization is in attendance, and the value is reasonable and the invitations infrequent.

## 5.3 ACTIONS DURING CIVIC ELECTION PERIODS

No member of Council shall use the facilities, equipment, supplies, services or other resources of the Township (including Councilor newsletters, the Township's website and websites linked through the Township's website) for any election campaign or campaign-related activities.

Any campaign-related activities that occur in Township Hall or any civic facility must take place in a location that is normally available for rental to the public and which has been arranged through the normal rental process.

No member shall use the services of civic staff for election-related purposes during hours in which those civic staff members receive any compensation from the Township. All members of Council shall strictly adhere to all rules that govern candidates in local elections.

## 5.4 LEAVES OF ABSENCE

Occasionally a member of Council will take a leave of absence in order to run for elected office of another level of government. During the period of the leave the Council member:

- a) will not receive any confidential agendas, communications or documents from the Township;
- b) will receive copies of all public information;
- c) will not be required to return their Township-issued material during the period of the unpaid leave, but will not use it for any non-civic purpose; and
- d) will not be reimbursed for any mileage or telephone or similar expenses.

## 5.5 IMPROPER USE OF INFLUENCE

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



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## 6.0 Contravention of the Code

- 6.1** Effective March 1, 2019, the Township's Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to any or all of the following:
- a) The application of the code of conduct for members of council and the code of conduct for members of local boards.
  - b) The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.
  - c) The application of sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act to members of council and of local boards.
  - d) Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
  - e) Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.
  - f) Requests from members of council and of local boards for advice respecting their obligations under the Municipal Conflict of Interest Act.
  - g) The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the Municipal Conflict of Interest Act, 2017, c. 10, Sched. 1, s. 19 (1).
- 6.2** The procedure for handling requests or complaints regarding contraventions to the Code of Ethics Policy shall be as follows:
- a) An individual, organization or Member of Council may submit a Formal Request or Complaint Form (see Appendix C attached hereto, by sending the form directly to the Township's Integrity Commissioner, either by mail, email, fax or courier.
  - b) Upon receipt of a complaint, the Integrity Commissioner shall acknowledge the request or complaint in writing.
  - c) The Integrity Commissioner may exercise such powers and shall perform such duties as may be assigned to him or her by the municipality.



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## 6.3 The Commissioner may conduct an inquiry:

- (a) in respect of a request made by council, a member of council or a member of the public about whether a member of council or of a local board has contravened the code of conduct applicable to the member; or
- (b) in respect of a request made by a local board or a member of a local board about whether a member of the local board has contravened the code of conduct applicable to the member.

## 6.4 Penalties

The Council or Local Board may impose either of the following penalties on a member of council or of a local board if the Commissioner reports to the municipality that, in his or her opinion, the member has contravened the code of conduct:

- a) A reprimand; and/or
- b) Suspension of the remuneration paid to the member in respect of his or her services as a member of council or of the local board, as the case may be, for a period of up to 90 days.

## 6.5 Acknowledgement of Code

Acknowledgement of the requirement of council members and members of boards, committees, and other bodies appointed by Council to comply with the Code of Conduct, Ethics and Values, shall be affirmed by the following forms being completed:

- a) in the case of a Council Member, the signed 'Oath of Affirmation – Member of Council' identified as Appendix A; or,
- b) in the case of a member of a board, committee, controlled corporation or other body appointed by Council, the signed 'Acknowledgement Form' identified as Appendix B.

## 7.0 Attachments

- 7.1 **Appendix A – Statement of Code of Conduct, Ethics and Values**
- 7.2 **Appendix B – Acknowledgement Form**
- 7.3 **Appendix C – Request Form**
- 7.4 **Appendix D – Formal Complaint Form**



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## Appendix A –

### Code of Conduct, Ethics and Values

As members of Council and Local Boards, we recognize that our actions have an impact on the lives of all residents and property owners in the community. The quality of the public administration and governance of the Township of Tehkummah as well as its reputation and integrity, depends on our conduct as elected officials.

The purpose of this Code is to outline basic ethical standards and values for members of Council and is to be used to guide members respecting what their obligations are when fulfilling their duties and responsibilities.

This Code is to be interpreted in accordance with the legislation applicable to the municipality, the common law and the policies and bylaws of the municipality. Neither the law nor this code is to be interpreted as exhaustive, and there will be occasions on which a council will find it necessary to adopt additional rules of conduct in order to protect the public interest and to enhance the public confidence and trust in local government.

It is the responsibility of each member to uphold the standards and values set out in this Code.

#### **1. As a Representative of the Township of Tehkummah, I will be honest.**

In practice, this looks like:

- a) I am trustworthy, acting with the utmost integrity and moral courage.
- b) I am truthful and open in my role, do what I say I will do, and am dependable.
- c) I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action.
- d) I use my title(s) only when conducting official Township business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority

#### **2. As a Representative of the Township of Tehkummah, I will be objective.**

In practice, this looks like:

- a) I will make decisions carefully; fairly and impartially.
- b) I am attuned to, and care about, the needs and issues of citizens, public officials, and Township workers.
- c) In my interactions with constituents, I am interested, engaged, and responsive.

#### **3. As a Representative of the Township of Tehkummah, I will be respectful.**

In practice, this looks like:

- a) I will treat every person, including other members of council, boards, committees, municipal employees and the public with dignity, understanding and respect.
- b) I will not engage in discrimination, bullying or harassment.
- c) I will not use derogatory language towards others, shall respect the rights of other people and groups and treat people with courtesy and recognize the importance of the different roles others play in local government decision making.



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## **4. As a Representative of the Township of Tehkumamah, I will be transparent and accountable.**

In practice, this looks like:

- a) I will endeavor to conduct and convey business of the municipality and all duties in an open and transparent manner, other than those discussions that are authorized to be dealt with in a confidential manner in closed session, so that stakeholders can view the process and rationale used to reach decisions and the reasons for taking certain actions.
- b) I will be responsible for the decisions I make. This responsibility includes acts of commission and acts of omission.

## **5. As a Representative of the Township of Tehkumamah, I will be confidential.**

In practice, this looks like:

- a) I will refrain from disclosing or releasing any personal or confidential information acquired by virtue of their office except when required by law or authorized to do so.
- b) I will not take advantage or obtain private benefit from personal or confidential information that is obtained in the course of or as a result of my official duties or position and that is not in the public domain. This includes complying with *The Municipal Freedom of Information and Protection of Privacy Act* in my capacity as a member of a local municipal authority.
- c) I will refrain from using personal or confidential information (such as knowledge respecting bidding on the sale of Township property or assets) for personal or private gain, or for the gain of relatives or any person or corporation.
- d) I will refrain from accessing or attempting to gain access to personal or confidential information in the custody of the Township unless it is necessary for the performance of my duties and not prohibited by law or council policy.

## **6. As a Representative of the Township of Tehkumamah, I will show leadership and work in the public interest.**

In practice, this looks like:

- a) I will serve my constituents in a conscientious and diligent manner and act in the best interests of the Township.
- b) I will strive, by focussing on issues important to the community and demonstrating leadership to build and inspire the public's trust and confidence in local government.
- c) I will perform my duties in a manner that will bear close public scrutiny and shall not provide the potential or opportunity for personal benefit, wrongdoing or unethical conduct.

## **7. As a Representative of the Township of Tehkumamah, I will be responsible.**

In practice, this looks like:

- a) I shall act responsibly and in accordance with the Acts of the Parliament of Canada and the Legislative Assembly of Ontario, including *The Municipal Act*.
- b) I shall disclose actual or potential conflicts of interest, either financial or otherwise relating to my responsibilities, following policies and procedures of the municipality, and exercising all conferred powers strictly for the purpose for which the powers have been conferred.
- c) I am individually responsible for preventing potential and actual conflicts of interest.



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## Appendix B: Acknowledgement Form



### Code of Conduct, Ethics and Values

I have read, understand and agree to follow the Council Code of Conduct, Ethics and Values Policy for the Township of Tehkumma.

I have also read, understand and agree to follow the Code of Conduct, Ethics and Values for the Township of Tehkumma.

**Name:**

(please print)

**Signature:**

**Date:**





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## Appendix C – Request Form



### Council Code of Conduct, Ethics and Values Request Form

- I/we request clarification on a matter before I/we take action as members of Council or Council committee as it relates to the Code of Conduct, Ethics and Values Policy.

#### Provide Background

#### What question(s) specifically do you want answered?

Submitted by:

Contact Information

Telephone:

Signature:

Email:



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## Appendix D – Formal Complaint Form



### Council Code of Conduct, Ethics and Values Complaint Form

I wish to make a formal complaint on an observed occurrence which I want the Township's Integrity Commissioner to investigate. I fully understand that knowingly signing a false affidavit may expose me to prosecution under the Criminal Code of Canada.

I \_\_\_\_\_ of \_\_\_\_\_  
*(First and Last Name)* *(Full Mailing Address)*

do solemnly swear (affirm and declare) that the following contents of this statement are true and correct and hereby request the Council of the Integrity Commissioner of the Township of Tehkumma to conduct an investigation whether or not the following Member(s) of the Township of Tehkumma Council or Committee has contravened the Code of Conduct, Ethics and Values.

\_\_\_\_\_, more particularly \_\_\_\_\_  
*(Name of Council, Board, or Committee)*

\_\_\_\_\_ has (have) contravened the Code.  
*Name(s) of Council, Board or Committee Members (please specify)*

I have reasonable and probable grounds to believe that the above Member(s) has (have) contravened the Code of Conduct, Ethics and Values by reason of the following:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location of Conduct \_\_\_\_\_

1. Specific clauses of Council Code of Conduct Policy that have been contravened:



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2. The particulars of names and addresses of other persons involved, and all of the witnesses:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

3. Any exhibits (list below and attach use separate sheet(s) for additional information

Declared before me at Tehkummah, Ontario, District of Manitoulin on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Declarant

\_\_\_\_\_  
Commissioner for Taking Affidavits