

TOWNSHIP OF WILMOT
CODE OF CONDUCT
FOR MEMBERS OF LOCAL BOARDS

Effective Date: **March 1, 2019**

Subject: **CODE OF CONDUCT FOR MEMBERS OF LOCAL
BOARDS**

Authority: **Approved by Council**

STATEMENT OF PRINCIPLE

A written Code of Conduct helps to ensure that the members of Local Boards share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate. These standards should serve to enhance public confidence that The Township of Wilmot's appointed representatives operate from a base of integrity, justice and courtesy.

Members of Local Boards are responsible for making honest statements. No member shall make a statement when they know that statement is false. No member shall make a statement with the intent to mislead Council, other Local Board members or the public. The Township of Wilmot's Local Board Code of Conduct is a general standard that augments the provincial laws, municipal policies and by-laws that govern their conduct. It is not intended to replace personal ethics. This Code of Conduct is consistent with the existing statutes governing the conduct of members. Three pieces of provincial legislation govern the conduct of members of Local Boards those being:

- *the Municipal Act as amended, and the Procedural By-law passed under section 238 of that Act;*
- *the Municipal Conflict of Interest Act as amended; and*
- *the Municipal Freedom of Information and Protection of Privacy Act.*

All members to whom this Code of Conduct applies shall serve the community in a conscientious and diligent manner. No member shall use the influence of office for any purpose other than the exercise of his or her official duties.

ADMINISTRATION

The Code of Conduct shall apply to all members of the Castle Kilbride Advisory Committee, Committee of Adjustment, Community Safety and Crime Prevention Engagement Committee, Dangerous Dog Designation Appeal Committee, Heritage Wilmot Advisory Committee, Property Standards Appeal Committee, Sustainability Working Group, and Wilmot Trails Advisory Committee of The

Corporation of The Township of Wilmot and any other Local Board that may be formed by resolution or by-law approved by Council. The Code of Conduct will be in effect each term and will be circulated to each member for their review. Members of Local Boards will be expected to sign two copies of the Code of Conduct (one for themselves and one for the Clerk's Office) to convey to each other and all stakeholders that they have read, understand and accept it. Failure to sign does not absolve the member from following the Code.

APPLICATION

Protocol for Complaint Process-Code of Conduct-Formal

The formal portion of the Complaint Process requires that a complaint be made in writing, setting out the grounds for the belief that there is an alleged contravention. Each complaint shall include any supporting evidence. The complaint shall be filed through the Clerk or Deputy Clerk.

Acceptance of Gifts and Benefits Prohibited

Members of Local Boards shall not solicit, accept, offer or agree to accept, a commission, reward, gift, advantage or benefit of any kind, personally or through a family member or friend, which is connected directly or indirectly with the performance of his or her duties as a member of a Local Board, unless permitted by the exceptions listed below.

For these purposes, a fee or advance paid to or a gift or benefit provided with the member's knowledge to a member's spouse, child or parent or to a member's staff that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member.

Members of Local Boards are not precluded from accepting:

- personal gifts, benefits, rewards, commissions or advantages from any person or organization not connected directly or indirectly with the performance or duties of office;
- political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
- services provided without compensation by persons volunteering their time;
- token gifts such as souvenirs, mementoes and commemorative gifts that are given in recognition of service on a committee, for speaking at an event or representing the Corporation at an event; and
- Food, lodging transportation and entertainment provided by other levels of governments or by other local governments, boards or commissions;
- Communication to the offices of a member, including subscriptions to newspapers and periodicals;
- A reimbursement of reasonable expenses incurred in the performance of duties or office
- Gifts that are received as an incident of protocol or social obligation that normally and reasonable accompany the responsibility of office.

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

CONFLICTS OF INTEREST

It is the responsibility of individual members of Local Boards to ensure that they are aware and trained in the application of the Municipal Conflict of Interest Act. The onus is on the member to identify a conflict of interest, and he/she shall take the appropriate action to disclose/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 their public duty. Personal interest can include direct or indirect pecuniary interest, bias, prejudgement, close mindedness or undue influence.
- Council members 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.
- Members of Local Boards are required to fill out a Declaration of Interest Form when declaring a pecuniary interest during a Meeting. The form is available at the Clerk's Office or from staff liaisons to the Local Board.
- The Township of Wilmot Integrity Commissioner is available to consult or educate members of Local Boards on potential conflicts. Such requests must be received in writing.

Recognizing that it is impossible to anticipate all possible conflicts that may arise during a member's term and, 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.

It is the responsibility of individual members of Local Boards to obtain independent legal advice or advice of the Integrity Commissioner with respect to any situation that might arise whereby there is a potential for a conflict of interest and to not require or attempt to burden staff members to assist in the determination of a conflict of interest for individual members of Council.

CONFIDENTIALITY

All information, documentation or deliberation received, reviewed or taken in closed meetings or portions of a closed meeting of the Local Board is confidential.

Members of Local Boards have a duty to hold in strict confidence, all information concerning matters dealt with at closed meetings or portions thereof that are determined to be confidential by the CAO, Clerk, staff liaisons, chair of the Local Board or as specifically declared by Council. A Member of a Local Board shall not, either directly or indirectly, release, make public or in any way divulge any such information or any aspect of the closed meeting to anyone, unless expressly authorized by the CAO, Clerk, staff liaisons, chair of the Local Board, Council or required by law (Court or Judge's Order) 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.

The following matters are deemed confidential:

- the security of the property of the municipality or local board;
- personal matters about an identifiable individual, including municipal or local board employees;
- a proposed or pending acquisition or disposition of land by the municipality or local board;
- labour relations or employee negotiations;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
- a request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
- an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman appointed by the Township, or a closed meeting investigator.

This list is provided as an example and is not exclusive. Requests for information should be referred to 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.

COMMUNICATIONS AND MEDIA RELATIONS

Members of Local Boards will accurately and adequately communicate the attitudes and decisions of Wilmot Council and the Local Board, even if they disagree with a majority decision so that;

- there is respect for the decision-making process of Council and the Local Board
- official information related to decisions and resolutions made by Council and the Local Board will normally be communicated in the first instance to the community and the media in an official capacity by the Mayor or Township staff;
- information concerning adopted policies, procedures and decisions of the Council or Local Board is conveyed openly and accurately; and
- confidential information will be communicated only when and after determined by Council

USE OF MUNICIPAL PROPERTY, SERVICES AND OTHER RESOURCES

No member shall use for personal purposes any municipal property, equipment, services, supplies or services of consequence other than for purposes connected with the discharge of duties or associated community activities of which the Township has been advised.

No member shall obtain financial gain from the use of municipally developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the Township of Wilmot.

No member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties.

WORK OF A PERSONAL NATURE

No member shall use municipal facilities, services or property for his or her personal or business use unless in accordance with township procedures and fee schedules.

No member shall use the services of municipal employees for his or her personal or personal-business during the hours in which the employees are in the paid employment of the municipality.

CONDUCT AT COUNCIL / COMMITTEE MEETINGS

Members shall conduct themselves with decorum at meetings in accordance with the provisions of the Procedural By-law. Respect for delegations and for fellow members and staff requires that all members show courtesy and not distract from the business of the Council during presentations and when other members have the floor. Use of mobile devices is discouraged for this reason. Members are encouraged to turn devices off or to silent or airplane mode during meetings.

USE OF MUNICIPAL TECHNOLOGY RESOURCES

The Township of Wilmot is the sole owner of all municipal hardware, software and licensing, and reserves the right to examine all files, e-mail directories and other information stored on Township computers, tapes and disks. Software is normally copyrighted, and no individual may copy or distribute the software unless expressly permitted to do so under the applicable licence.

BUSINESS RELATIONS

No member shall borrow money from any person who regularly does business with the municipality or Local Board unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

No member shall act as a paid agent before Council or a committee of Council or any agency.

EXPENSES

Members shall comply with the provisions of the Township of Wilmot Policy No. 8-3.1 Compensation/Mileage Allowance, and 6-3.2 Expense Allowance - Conferences, Conventions, Seminars, Training Courses and Workshops. These policies are available from any Township staff.

REPRESENTING THE MUNICIPALITY

Members shall make every effort to participate diligently in the activities of the Local Boards to which they are appointed.

INFLUENCE ON STAFF

Members shall be respectful of the fact that staff work for the municipality as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or group or members of a Local Board.

In addition, members shall be respectful of the fact that staff carry out directions of Council and administer the policies of the municipality, and are required to do so without any undue influence from any individual member or group of members of Council.

The Council directs the business of the municipality and passes by-laws, or resolutions as appropriate, for decisions adopted by Council. Council has delegated responsibility to the Chief Administrative Officer for the administration of the affairs of the municipality in accordance with the by-laws adopted. This means that under the direction of the CAO, staff have the responsibility and the authority to provide consultation, advice and direction to Council and to implement Council approved policy.

Accordingly, staff establishes the appropriate administrative policies, systems, structures and internal controls to implement the goals and objectives of Council, and to manage implementation within the resources at their disposal. Council should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions.

ENCOURAGEMENT OF RESPECT FOR THE MUNICIPALITY. ITS BY-LAWS AND POLICIES

Members shall encourage public respect for the municipality and its bylaws and policies.

HARASSMENT or BULLYING (Psychological Harassment)

Harassment of another member of a Local Board, Council, staff or any member of the public is misconduct. It is the policy of the Township of Wilmot that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

Harassment may be defined as any behaviour / activity by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status and any other grounds under the provisions of the Ontario Human Rights Code.

Bullying (ongoing health or career-endangering mistreatment) of another member of Council, staff or any member of the public is misconduct. 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/position.

INTERPRETATION

Members seeking clarification of any part of this Code should consult with the Integrity Commissioner.

INTEGRITY COMMISSIONER

An Integrity Commissioner shall be appointed by by-law and will act in an independent manner. The Commissioner and every person acting under the

instructions of the Commissioner shall preserve confidentiality with respect to all matters that come to his or her knowledge in the course of his/her duties, in accordance with the Municipal Act, as amended. The Integrity Commissioner will investigate formal written complaints and may at his/her discretion conduct investigations in accordance with the Public Inquiries Act. The Integrity Commissioner may refuse to investigate allegations that the Integrity Commissioner deems to be frivolous or vexatious or beyond his jurisdiction.

The Integrity Commissioner Shall:

1. Investigate within 30 days of receipt of a formal written request and prepare a written report and recommendation for Council. Additional time, if justifiable, may be authorized by a resolution of Council;
2. Determine if a member or members have committed a breach of the code;
3. Recommend disciplinary action as set out in the Municipal Act;
4. Provide an annual report to Council for review. This report shall provide a list of investigations completed and underway.

The Integrity Commissioner may consult with legal counsel as may be required in determining points of law.

AMENDMENTS TO THE CODE

Council may, from time to time, make amendments to the documents referenced in this Code of Conduct. Also, the Province of Ontario may make amendments to Provincial legislation referenced in this Code of Conduct. Such amendments shall not void this Code or absolve any member from their responsibilities as noted in the Code.

If such amendments occur, members of Local Boards will be advised accordingly by Township staff.