

	<h2 style="margin: 0;">CORPORATE POLICY AND PROCEDURES MANUAL</h2>
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<b>Policy No:</b>		<b>CAO</b>
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**Policy Name:**  
**CODE OF CONDUCT & ETHICS –MEMBERS OF COUNCIL**

<b>DEVELOPED BY:</b>	<b>Jane Reynolds, CAO</b>	<b>DATE:</b>
<b>DEPARTMENT:</b>	<b>CAO's Office</b>	
<b>ADOPTED BY:</b>	<b>Council</b>	<b>DATE:</b>
<b>RESOLUTION NUMBER:</b>		<b>EFFECTIVE:</b>
<b>CROSS-REFERENCE:</b>		<b>REVISIONS:</b>

**POLICY STATEMENT AND RATIONALE:**

Attaining an elected position within one's community is a privilege that carries significant responsibilities and obligations. As leaders in our community, members of Council are held to the highest standards of conduct and ethical behaviour. In addition to being well-informed to undertake their policy and decision-making functions effectively, Council members are expected to carry out their duties in a fair, honest, conscientious, diligent, impartial, transparent and professional manner.

This written Code of Conduct and Ethics establishes a shared and common foundation for acceptable behaviour, conduct and actions by members of Council in the City of Kawartha Lakes. These principles are designed to supplement the legislative parameters within which the members must operate. Additionally, this Code shall serve to strengthen the public's confidence and perception that elected representatives for the City of Kawartha Lakes operate from a base of integrity, justice, respect, honesty and courtesy.

The Code of Conduct and Ethics provides positive direction to members of City 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 City staff and members of the public, is maintained.

**SCOPE:**

This policy relates to Members of Council including the Mayor and all Ward Councillors for the City of Kawartha Lakes.

## **General**

All Members of Council shall serve their constituents in a transparent and accountable manner. No member shall use the influence of their office for any purpose other than the exercise of his or her official duties. Members shall:

- Take the prescribed Oath of Office
- Follow the Procedural By-Law and all other applicable City by-laws and policies
- Follow the provisions of the *Municipal Act* and the *Municipal Conflict of Interest Act* which apply directly and indirectly to the role of Council and avoid any real or perceived Conflicts of interest
- Understand the role, responsibility and authority of a member of Council as outlined in the Municipal Act, and as may be determined by City policy, and support Council's objectives.
- Adhere to and follow existing federal and provincial legislation in a manner that is consistent with such legislation.
- Adhere to this Code of Conduct and Ethics and report any contraventions of this Code.

All Council Members are obliged by the Act to have regard to and be guided by this Code in the exercise of their functions. The principles and intent of the Code should also underpin the conduct of Council members when appointed to other public bodies and local government associations.

Given the range and complexity of local government activity a Code such as this cannot deal with all situations and eventualities which may arise. If other situations of potential conflict arise between personal and public interest or if instances of perceived questionable conduct arise, Council members should aim to deal with them in accordance with the principles and intent of the Code.

## **Gifts and Benefits**

To ensure and foster a culture of impartiality and objectivity members shall 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 shall only:

- Accept meals and beverages, entertainment, fees, gifts, or hospitality of a nominal value (defined as a value of under \$100) that could not be reasonably construed as being given in anticipation or recognition of special consideration by the member or the corporation
- Accept meals and beverages, entertainment, fees, gifts, or hospitality 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 City that reciprocal arrangements should openly be made and charged to the City

Members of Council will also acknowledge that the Mayor will, in his/her role, periodically receive and distribute ceremonial or other similar items of a nominal value and/or as defined by City policy.

No member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to city services not otherwise available to the general public and not consequent to his or her official duties except as authorized by law or policy of the City.

## **Confidentiality and Use of Municipal Information**

It is every Member's responsibility to ensure information disseminated to other Members, staff and/or the public is accurate. No Council member shall willfully mislead other Members, employees or the public about any issue of municipal concern.

Every Member shall 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. In fulfilling these responsibilities, Members agree to adhere to the Procedural By-law and any other City policies, as amended from time to time.

All requests for City 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*.

Members will also recognize and respect that, notwithstanding their position, their rights to certain information may also be limited and/or restricted in order to follow relevant legislation. Members shall consult with the Clerk or the CAO if clarification is required.

No Member shall

- Use information acquired through their official duties and not available to the general public for a personal advantage.
- Use confidential information so as to cause detriment or a benefit to others inappropriately
- Release confidential documents or information until the matter ceases to be confidential as determined by Council
- Have access to information protected under legislation, unless it is specifically relevant to a matter before the Council
- Speak disrespectfully or negatively about the Corporation, or Council's decisions without having first given Council and/or staff an opportunity to discuss the member's concern. Any concerns regarding the conduct of another person including a contravention of the Code of Conduct by another Council member or an employee shall be handled through the appropriate process.
- Withhold information from the CAO and Council relevant to the well-being of the municipality, the security of its assets, and/or perceived deficiencies regarding the manner in which the municipality conducts its business,
- Speak or act on behalf of the municipality without authority from Council to do so.

### **Conduct at Council/Committee Meetings**

During Council and other meetings where they are representing the City, Members shall conduct themselves with decorum and in accordance with the City's Procedural By-Law, as amended from time to time. Respect and courtesy will be provided to delegations, fellow members, staff and members of the general public. Members shall not distract from the business of the Council during presentations and when other members have the floor. Each member of Council has a responsibility to ensure that such decorum occurs, both through their own conduct and by bringing to the attention of the Chair any offensive conduct that is observed.

### **Relationships with Staff and Other Members of Council**

Members will show respect for other Members and staff and recognize their roles and responsibilities as defined by legislation.

Members shall:

- acknowledge that only Council as a whole shall 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 Council members in their duties or functions or to gain an advantage for themselves, their Ward area, or others
- refrain from publicly criticizing individual members of staff or other Council members in a way that maliciously or falsely injures the professional credibility or ethical reputation of the individual
- be respectful that staff work for the City as a body corporate 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 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
- be respectful that staff carry out directions of Council and administer the policies of the municipality through the CAO, and are required to do so without any undue influence from any individual member or group of members of Council.
- be respectful that staff carry out responsibilities that are set out in legislation, and are required to do so without any undue influence from any individual member or group of members of Council.
- be respectful and supportive of the City's commitment to fostering an environment that is free from discrimination, harassment, interference, intimidation or coercion through personal adherence to the City's Respect in the Workplace Policy and the Ontario Human Rights Code.

### **Use of Municipal Property**

Members of Council may use City property, equipment, supplies or services only for activities connected with the discharge of their official duties as sanctioned by City policy or by-law. Any equipment or supplies purchased by the City in the exercise of the Members duties (ie. Computers, cell phones, etc.) is City property and will be returned to the City at the end of a member's term and/or restitution made as outlined in any relevant policy.

No member shall obtain financial gain from the use of city-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 City of Kawartha Lakes.

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 Political Nature**

Members shall be aware of and adhere to the City's policy regarding "Use of Corporate Resources for Election Purposes."

No member shall use City 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 unless they personally pay for the use of the facilities, services or property. Additionally, no member shall utilize the services of a City employee for a political campaign, during hours in which they are in the paid employment of the City. Members are not to 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 Registration 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 Council.
- (b) Speeches for Council members will only be prepared by staff in relation to events that are part of the normal services or operation of the Council and shall not contain any reference to the forthcoming election or election candidates.
- (c) Media services and advice, including media releases, will not be provided for Council members by staff during the election period.

(d) Council publications produced during the election period will not feature photographs or quotes from Council members.

(e) Neither the Council logo nor Council stationery will be used by Council members in any way that relates to the election.

(f) Information on the City's Web site will be restricted to Council member's photographs and contact details. References to the election on the Web site shall only relate to the process of conducting the election.

(g) 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 accordance with the Councillor Expenditure Policy.

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 phones, land lines and Internet connections, and where it is impractical for Council members to discontinue their use of these during the election, Council members will reimburse the Corporation for usage of those services during the election period that exceeds normal usage levels.

### **Fraud and Breach of Trust**

Members of Council shall not engage in behaviour that is fraudulent or that constitutes a breach of trust with the City of Kawartha Lakes. A fraudulent activity includes, but is not limited to:

- Using deceit to gain a personal advantage or benefit for oneself and/or others
- Illegally obtaining money, including the solicitation and/or acceptance of bribes
- Intentionally providing false or incomplete or withholding information from Council and/or city officials
- Intentionally circumventing City policies or procedures to gain a personal advantage for oneself and/or others
- Planning or participating in a theft of City property, or the use of said property to aid or conduct a theft of any kind
- Inappropriate personal use of or intentional damage to City property
- Undertaking any other illegal activity

### **Conflicts of Interest**

Members shall recognize and be aware of their obligations under *Municipal Conflict of Interest Act, 1994*, as amended from time to time.

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 the utmost integrity in the decision making process.

### **Business/Organization Relations**

Members of Council must demonstrate transparency with regards to business relations and/or organizations conducting business with the City. No member shall act as a paid agent before Council except as provided for in the Municipal Conflict of Interest Act, as amended.

Actions of a Member of Council shall be above suspicion and shall not give rise to any conflict of interest, perceived or real. Dealings with business(es) and other interests must be able to bear the closest possible scrutiny and avoid risk of damage to public confidence in local government a Council member's impartial and objective role in the decision-making process.

Members shall recognize the need for their decision-making to be viewed as impartial and transparent by either (a) refraining from meetings with developers, businesses or other organizations who have applications before the municipality and/or who wish to conduct business with the City, or (b) disclosing to Council and members of the public such information at the first opportunity.

It is recognized that Members may have work or business activities outside of their normal Council duties. Members shall ensure these responsibilities remain distinct and separate from City business.

### **City Expenditures and Purchases**

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

### **Disclosure**

Any employee, Council member, Council, or a member of the public has the right to identify any alleged non-compliance. The individual shall bring the matter forward to the CAO (if relating to an employee), or the Mayor (if relating to another member) or to Council (if relating to the CAO or the Mayor).

### **Compliance/Contravention**

Addressing employee matters is outlined in the Employee Code of Conduct and Ethics. 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.

As prescribed in legislation, penalties that may be imposed by the Municipality 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

Council also reserves the right to 'censure' an individual member where the conduct is deemed to be unacceptable to Council. Additionally, Council has the right and obligation to report any transgressions of an illegal matter to the appropriate police authority.

## **POLICY, PROCEDURE AND IMPLEMENTATION:**

### **Implementation & Review**

The Members of Council Code of Conduct and Ethics will be reviewed by the incoming City of Kawartha Lakes Council as part of the Orientation Session. The Ethics and Value Statement attached as *Schedule B* to this Code will be signed following the Inaugural Meeting and/or following the adoption of any replacement Code of Conduct.

The Code of Conduct shall be reviewed by each Council no later than one year following a municipal election.

The Clerk shall keep a record of signed Oaths of Office and Ethics and Value Statements by Members of Council for viewing by any member of the public during regular working hours.

