
A BY-LAW TO ESTABLISH A CODE OF CONDUCT FOR THE COUNCIL OF THE TOWNSHIP OF FRONT OF YONGE

WHEREAS section 11 (2) of the *Municipal Act, 2001, SO 2001, c.25*, as amended, authorizes municipalities to pass by-laws regarding Accountability and Transparency of the municipality and its operations;

AND WHEREAS Section 223.2(1) of the *Municipal Act 2001, SO 2001, c. 25*, as amended, authorizes municipalities to establish codes of conduct for members of the council of the municipality;

AND WHEREAS Ontario Regulation 55/18 sets out the prescribed subject matters for municipal codes of conduct;

NOW THEREFORE the Council of the Corporation of the Township of Front of Yonge enacts as follows:

1. That the Code of Conduct, as attached as 'Schedule A' hereto be adopted by the Council of the Corporation of the Township of Front of Yonge.
2. That this by-law shall come into force and take effect upon receiving the final passing thereof.

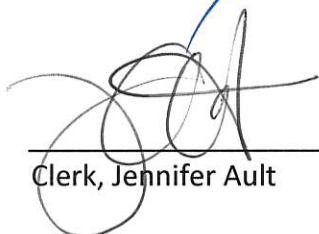
READ a first and second time this 21st day of December, 2020

READ a third and final time this 21st day of December, 2020





Mayor, Roger Haley



Clerk, Jennifer Ault

SCHEDULE 'A'
BY-LAW # 28-20
CODE OF CONDUCT FOR COUNCIL

PURPOSE

The Council of the Township of Front of Yonge is responsible for and dedicated to providing good and effective government for the public in an open and accountable and transparent manner.

This by-law may be referred to as the "Code of Conduct" and is intended to provide broad guidelines and principles for standard of ethical behaviour for Council in connection with their official duties.

Every Member of Council shall observe and comply with every provision of this Code of Conduct as well as all other policies and procedures adopted or established by Council.

1.0 Application

1.1 This Code of Conduct also applies equally to all Members of Boards and Committees of the Municipality, whether or not a Member of that Board or Committee is also a Member of Council. In this Code of Conduct reference to a Member of Council includes a Member of a Board or Committee.

1.2 All Members of Council are expected to follow this Code, the Council Procedural By-law, Council Staff Relations policy and other sources of applicable procedural law. They are also subject to other sources of law, including but not limited to:

- Municipal Act, 2001
- Municipal Conflict of Interest Act
- Municipal Elections Act
- Municipal Freedom of Information and Protection of Privacy Act
- The Criminal Code of Canada;
- All applicable municipal, provincial, and federal legislation and policies.

2.0 Responsibilities of Members of Council

2.1 Only Council as a whole has the authority to approve budgets, policy, or processes, including the structures and procedures for committees. Authority to act on behalf of Council, including through a committee, can only be delegated by Council.

2.2 Council is responsible for and dedicated to providing good and effective government for the public in an open, accountable, and transparent manner.

2.3 A fiduciary relationship exists between the Council and inhabitants of the municipality.

2.4 Members of Council:

- a) must uphold the laws and conduct themselves with the highest degree of ethical behavior and integrity,
- b) must promote healthy debate amongst the Members when discussing matters of public interest and such debate shall be conducted with dignity, decorum, and respect for the opinions of others,
- c) must make reasonable attempts to build consensus on issues and failing that will respect the majority vote of council,
- d) must conduct its activities in an orderly, professional, and businesslike manner while ensuring accountability and transparency of the operations of the municipality,
- e) must avoid conflict of interest,
- f) must seek to advance the public interest with honesty and treat members of the public with dignity, understanding and respect,
- g) may not make statements known to be false or make a statement with the intent to mislead Council or the public,

- h) may not, in the exercise of an official power, duty, or function, give preferential treatment to any person or organization based solely on the identity of the person or organization. No Member of Council shall grant any special consideration or advantage in matters related to their position on Council to any person or organization(s) beyond that which is available to every citizen, and
- i) must maintain the financial integrity of the municipality.

3.0 Communications And Media Relations

- 3.1 Members, when communicating with the public and media, will accurately and adequately communicate the attitudes and decisions of the Council, Board or Committee, even if a Member disagrees with a majority decision, so that there is respect for and integrity in the decision making process.
- 3.2 Information related to decisions and resolutions of Council, a Board or Committee, as the case may be, will normally be communicated to the community by the head of Council, the Board or the Committee, as the case may be, or his or her designate.
- 3.3 It is not the intent of this Code of Conduct to restrict the ability of a Member to express a personal opinion on matters of general interest. In such cases, the Member must make it clear that the comment is being made in their capacity as a private citizen, and not as a representative of the Municipality. In no event should a Member express a position that is disrespectful of the decision of the majority of Council, a Board or a Committee.
- 3.4 Any use of social media in any form by a Member constitutes communication with the public that is governed by this section. Members shall identify in any social media communication that the views expressed by the Member are the views of that Member personally, and do not represent the views of the Municipality.
- 3.5 If Council has taken a position in a Local Planning Appeals Tribunal, or other tribunal or court, and instructed the Municipal Solicitor to appear at a hearing in support of such position, no Member who disagrees with such position shall give evidence at such hearing or otherwise work against the will of Council expressed in its direction to the Municipal Solicitor in such matter.

3.0 Members of Council and the Role of Staff

- 3.1 Mutual respect and cooperation are required to achieve the Council's corporate goals and implement the Council's strategies through the work of staff. The role of Council is to lead through setting policy and budget. It is not to manage or administer.
- 3.2 Staff members serve Council and work for the municipal corporation. Council directs staff through its decisions as recorded in the minutes and resolutions of Council. Members of Council have no individual capacity to direct members of staff to carry out particular functions.
- 3.3 Inquiries of staff from Members of Council should be directed to the appropriate senior staff.
- 3.4 Members of Council must respect that:
 - a) staff provide advice and make policy recommendations in accordance with their professional ethics, expertise and obligations. Members must not willfully injure the reputation, impugn the integrity or question the capabilities or performance of staff in a manner that is inappropriate.
 - b) staff undertake their duties based on political neutrality without undue influence. Members may not invite or pressure any member of staff to engage in partisan political activities.

3.5 Members of Council must not use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties.

4.0 Township Assets and Gifts

4.1 Council is the custodian of the assets of the municipality. The community places its trust in Council and those it appoints to make decisions for the public good in relation to these assets.

4.2 Members of Council must not use municipal assets for personal convenience, for profit or to assist during an election or in relation to a nomination, except where such privileges are granted to the public or provided by law or established policy.

4.3 The stipend paid to each Member of Council is intended to fully remunerate the Member of Council for service to the Corporation.

4.4 Members of Council 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 within the performance of duties of office. A family member is defined as set out in the Municipal Conflict of Interest Act, more specifically the parent, spouse, child and/or sibling of the member.

4.5 Members of Council 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;
- Food and beverages at banquets, receptions, ceremonies or similar events;
- Services provided without compensation by persons volunteering their time during an election campaign in accordance with the applicable legislation;
- Food, lodging, transportation and entertainment provided by other levels of government or by other local governments, boards or commissions;
- A reimbursement of reasonable expenses incurred in the performance of duties or office;
- A reimbursement of reasonable expenses incurred, and honorariums received in the performance of activities connected with municipal associations;
- 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
- Gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.

4.6 Members of Council shall return any gifts or benefits which exceed these limits, along with an explanation why the gifts or benefits cannot be accepted.

4.7 Where it is not possible to decline unauthorized gifts, hospitality or other benefit, Members shall report the matter to the Clerk. The gift shall become property of the Municipality and the Clerk may require that the gift be retained by the Corporation or be disposed of for charitable purposes.

5.0 Confidentiality

5.1 Members of Council have a duty to hold information received in their capacity as a Member and which is marked confidential or otherwise identified as confidential in strict confidence for as long and as broadly as the confidence applies. Members shall not, either directly or indirectly, release, use for personal reasons, make public or in any way divulge any such information to anyone, unless authorized by Council or required by law.

- 5.2 Without limiting the generality of the foregoing, confidential information includes information obtained during a closed session of Council or of a Board or Committee and all discussions and deliberations within the meeting.
- 5.3 Members of Council must not disclose, use or release confidential information in contravention of applicable privacy law. They are only entitled to information in the possession of the municipality that is relevant to matters before the Council or a committee. Otherwise, they enjoy the same level of access rights to information as any other member of the community and must follow the same processes as any private citizen.
- 5.4 Members of Council must not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law.
- 5.5 Members of Council may not use any information obtained through their role for personal gain or disclose such information to other persons to permit those persons to realize personal gain, directly or indirectly.
- 5.6 The obligation to keep information confidential applies even if the Member ceases to be a Member for any reason.

6.0 Discrimination and Harassment

- 6.1 All Members of Council have a duty and responsibility to treat members of the public, one another and staff with respect and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment. A Member of Council shall not use indecent, abusive, or insulting words or expression toward any other Member of Council, any member of staff, or any member of the public.
- 6.2 Members of Council shall abide by The *Ontario Human Rights Code* and, where applicable, the Township's *Workplace Harassment Policy*.

7.0 Use of Corporate Resources

- 7.1 No Member of Council shall use or permit the use of Township property, including land, facilities, equipment, supplies, services, employees or other resources (i.e. Township owned materials, computers, networks, websites, corporate transportation) for activities other than the business of the Corporation. Nor shall any Member or the Member's family members or friends obtain personal benefit or financial gain from the use or sale of Township property, including Township developed intellectual property (i.e. inventions, creative writings, computer programs and drawings), technical innovations, township owned images, logs, coat of arms, or other items capable of being patented, since all such property remains exclusively that of the Township.

8.0 Election Related Activity

- 8.1 Members of Council are required to conduct themselves in accordance with the Municipal Elections Act, 1996. The use of municipal resources, both actual municipal property and staff time, for election-related activity is strictly prohibited. The prohibition applies to both the promotion and opposition to the candidacy of a person for elected office. Elections-related activity applies not only to a Member's personal campaign for office, but also other campaigns for municipal, provincial and federal office.

9.0 Consequences of Misconduct

9.1 Every Member of Council who fails to meet his or her obligations under this code is subject to any one or a combination of consequences imposed by Council, as recommended by the Integrity Commissioner:

- Reprimand in Open Council (Censure);
- Suspension of the remuneration paid to the member in respect of his or her services of a member of Council or a local board, as the case may be, for a period of up to 90 days;

9.2 The Integrity Commissioner may also recommend that Council consider imposing remedial measures, including any of the following:

- Issuance of a written or verbal public apology;
- Return of property or reimbursement of its value or of monies spent;
- Removal from a Committee or Board;
- Removal as chair of a committee of Council for a specified period; and
- Other sanctions that are reasonably connected to the breach of this Code of Conduct and which the Integrity Commissioner believes in his or her sole discretion are necessary to modify the behaviour of the Member.

10. Advice and Opinions

10.1 Members may request advice or opinions from the Integrity Commissioner with respect to:

- a) The obligations of the Member under the *Municipal Conflict of Interest Act*;
- b) The obligations of the Member under this Code; and
- c) The obligations of the Member under a procedure, rule or policy of the Municipality governing the ethical behavior of the Member.

10.2 Every request for advice or opinion shall be submitted in writing to the Clerk, who shall forward the request to the Integrity Commissioner for a response.

10.3 The Integrity Commissioner shall not provide to any Member any advice or opinion with respect to the obligations of another Member.

10.4 Members shall be mindful of the cost to the Municipality to obtain the advice or opinion of the Integrity Commissioner and shall not abuse this entitlement.

10.5 The advice and opinions received by any Member are personal to the Member and are considered confidential. No opinion or advice may be shared by the Integrity Commissioner without the written permission of the Member who requested the opinion or advice. The Member may grant permission to share part of an opinion or advice, but in circumstances where the member shares only a portion of an opinion or advice the Integrity Commissioner may release all or a part of the opinion or advice without the consent of the Member.

11.0 Role of the Integrity Commissioner

11.1 The Integrity Commissioner shall be appointed by By-law of the Municipality.

11.2 The Integrity Commissioner shall operate independently of Council in accordance with all the authority and powers granted by the *Municipal Act*.

11.3 The Integrity Commissioner may delegate his or her duties and power to any person, other than a Member. The delegation shall be in writing, shall be disclosed to the Clerk and shall set out the precise delegation, including the duration of the delegation.

11.4 Any delegation shall be at the sole discretion of the Integrity Commissioner, provided that the delegate is qualified and capable of independently undertaking the work.

- 11.5 The Integrity Commissioner shall make an assessment prior to undertaking any investigation as to whether the complaint gives rise to the need for another entity to undertake an investigation. In those circumstances where the allegations disclose a potential Criminal Code offense or the breach of other legislation (other than the *Municipal Conflict of Interest Act*), the Integrity Commissioner shall refer the investigation to the appropriate entity and shall not conduct his or her own investigation unless the entity determines that no investigation is required.
- 11.6 The Integrity Commissioner shall prepare and submit to Council an Annual Report that shall include at a minimum:
- a) A break-down of costs incurred for the following categories of work performed (advice/investigations/dispute resolution/training);
 - b) A summary of the nature of requests made and the resolution of the matters, without providing any confidential information in the report; and
 - c) Any recommendations for improvements to this Code or processes.

12. Complaint Protocol

- 12.1 The complaint protocol shall not retroactively apply to any alleged transgression occurring prior to the date on which the Code of Conduct was formally adopted by Council.
- 12.2 Any complaint alleging that a violation of the Code of Conduct has occurred shall be directed to the Clerk in writing and signed and dated by the person making the allegation.
- 12.3 The complaint shall be filed with the Clerk who shall forward the matter to the Integrity Commissioner for initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code of Conduct and not covered by other legislation or other Council policies.
- 12.4 If the complaint is determined not to be a complaint with respect to non-compliance with the Code of Conduct, the complainant shall be advised that the matter is not within the jurisdiction of the Integrity Commissioner to process with any additional reasons and referrals as the Integrity Commissioner considers appropriate.
- 12.5 If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, and, where this becomes apparent in the course of an investigation, terminate the investigation.
- 12.6 The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any Member unless the Member has had reasonable notice of the basis for the proposed finding and any recommended sanction and an opportunity either in person or in writing to comment on the proposed finding and any recommended sanction, provided that comment period after having been notified does not exceed 30 calendar days.
- 12.7 The Integrity Commissioner shall report to the complainant and the Member generally no later than 90 days after the making of the complaint.
- 12.8 Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also report to Council outlining the findings, the terms of any settlement, or recommended corrective action.
- 12.9 Any recommended corrective action must be permitted by law and shall be designed to ensure that the inappropriate behaviour or activity does not continue.

- 12.10 Where the complaint is dismissed, the Integrity Commissioner shall not report to Council, except as part of an annual or other periodic report.
- 12.11 A complaint will be processed in compliance with the confidentiality requirements of Section 223.5(1) of the Municipal Act, 2001, as amended.
- 12.12 If the Integrity Commissioner reports to Council his or her opinion about whether a member of council has contravened the Code of Conduct, the Commissioner may disclose in the report such matters as, in the Commissioners opinion, are necessary for the purposes of the report.
- 12.13 The Township of Front of Yonge will not tolerate retaliations, taunts or threats against anyone who complains about harassment or takes part in an investigation.