



Policy No.

HR-8

CORPORATION OF THE TOWN OF RAINY RIVER

Human Resources Department

**Code of Conduct—
Members of Council**

1) Policy Statement and Rationale

The Code of Conduct for Council Members ("Member or Members") and related policies identify the Town of Rainy River's expectations of Members and establishes guidelines for appropriate conduct to ensure that:

- 1.1 Rainy River residents have confidence in the integrity of their elected Members and local government;
- 1.2 The decision-making process of Council is open, transparent, equitable and accountable; and decisions are made through appropriate channels of government structure;
- 1.3 Public office is not used for personal gain;
- 1.4 There is fairness and respect for differences and a duty to work together for the common good of the community and the residents;
- 1.5 Members will be committed to performing their duties with integrity, honesty and accountability, avoiding the improper use of the influence of their office, and conflicts of interest, both real and apparent;
- 1.6 Members will behave in a manner that is ethically responsible at all times in upholding the public interest, serving and seen to be serving constituents in a conscientious and diligent manner that will withstand public scrutiny;
- 1.7 Members are provided with and able to obtain information on the ethical propriety of conduct in different situations that they may demonstrate an understanding of the fundamental rights, privileges and obligations of their elected position;
- 1.8 Members are to seek to serve the public interest at all times, by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the Town of Rainy River.

2) Definitions

For the purpose of this Code of Conduct:

HR-8: CODE OF CONDUCT - MEMBERS OF COUNCIL

“Clerk” means the Clerk or his/her designate of the Town of Rainy River.

“Code” means this Council Code of Conduct as it applies to members of Council of the Town of Rainy River.

“Complaint” means an alleged contravention of the Code.

“Confidential Information” means any information that is not available to the public and that, if disclosed, could result in loss or damage to the Town or could give the person to whom it is disclosed an advantage, as further described in Part 2 of this Code.

“Corporate Resources” includes but is not limited to Town equipment, supplies, services, tools, property (both physical and intellectual), systems, software systems, website, domain name, logo, cell phone, phone, address, voice-mail, email address, email, facility and staff while undertaking duties as an employee.

“Council” means the Council of the Town of Rainy River.

“Committee Member” means citizens and/or staff appointed by Town Council to Committees of Council.

“Corporation” means Corporation of the Town of Rainy River.

“Employee” means a person employed by The Corporation of the Town of Rainy River or Local Board, including those employed on a personal services contract, and volunteers, but does not include Members of Council.

“Gifts and Benefits” means any cash or monetary equivalent, fee, object of value, service, travel and accommodation, or entertainment.

“Good Faith” means in accordance with standards of honesty, trust and sincerity.

“Hospitality” means instances where there is entertainment of or by outside parties for the furtherance of municipal business.

“Local Board” means a local board as defined in section 223.1 of the *Municipal Act, 2001*.

“Member” means a member of Council of the Town of Rainy River.

“Member of Council” means the Mayor or Councillor of The Corporation of the Town of Rainy River.

“Office” means the authority and duties attached to the position of being an elected member of Council.

“Official Duties” means the public duties of a Member and includes functions performed by Members necessary to demonstrate responsible and accountable government with

respect to matters within the Town or Local Board's jurisdiction, and which are done for the purpose of providing good government with respect to those matters.

“Pecuniary Interests” are interests that have a direct or indirect financial impact or as defined under the current Municipal Conflict of Interest Act as amended from time to time, including:

- i) Any matter in which the member has a financial interest;
- ii) Any matter in which the member is a shareholder, director or senior officer of or holds a controlling interest in a corporation that does or does not offer its securities to the public, and such corporation has a financial interest;
- iii) Any matter in which the member is a partner of a person or is in the employment of a person that has a financial interest; and
- iv) Any matter in which a parent, spouse, same sex partner or any child of the member has a financial interest, if known to the member.

“Personal Benefit” means forms of advantage other than financial such as seeking an appointment, promotion or transfer within the Corporation on behalf of a family member and includes the private interests of a Member.

“Staff” means all full-time and part-time persons hired by the Town including the CAO, members of C.U.P.E. Local 65, Administrative staff, contract and temporary employees, students and co-op placement staff.

“Town” means the Corporation of the Town of Rainy River.

“Town Property” means items, services or resources which are the property of the Town including but not limited to: materials, equipment, facilities, technology, Town-developed computer programs of technological innovations, databases, intellectual property and supplies.

“Vexatious” means without reasonable or probable cause or excuse.

3) Roles and Obligations

3.1 Members must recognize their responsibility to:

Represent the diversity of community views in a fair and equitable manner, while developing an overall strategy for the future of the Town;

Endeavour to demonstrate sound financial management, planning and accountability;

Be aware of and understand statutory obligations imposed upon individual Members and Council as a statutory body.

3.2 The onus is on Members to ensure that they adhere to and uphold the Code.

4) Confidentiality

4.1 Confidential Information includes any information that is of a personal nature to Town employees and/or clients, or information in the custody or under the control of the Town that is not available to the public and that, if disclosed, could result in loss or damage to the Town or could give the person to whom it is disclosed an advantage.

4.2 Members shall not disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, or by means of electronic technology, except when required by law or authorized by Council.

4.3 Members shall not disclose the content of a matter that has been discussed or the substance of deliberations of a closed session, except for content that has been authorized by Council to be released to the public.

Examples of the types of content that Members must keep confidential under this section include but are not limited to:

- items under litigation, negotiation, or personnel matters;
- the source of a complaint;
- price schedules in contract tenders or Request for Proposal submissions if so specified;
- information deemed to be personal information under the Municipal Freedom of Information and Protection of Privacy Act;
- statistical data required by law not to be released (e.g., certain census or assessment data).

4.4 Members shall not access or attempt to gain access to confidential information in the possession of the Town unless it is necessary for the performance of their duties and not prohibited by law or Council policy.

4.5 The obligation to keep information confidential is a continuing obligation even after the Member ceases to be a Member.

5) Respect, Truth, Honesty and Integrity

- 5.1 Members shall respect the values of truth, honesty and integrity in all Town of Rainy River matters, issues and activities.
- 5.2 Members shall not impose their personal, moral or religious standards on others.
- 5.3 Every Member is an individual with specific rights, values, beliefs and personality traits to be respected at all times.
- 5.4 Members shall respect the right to confidentiality and privacy of all clients, volunteers and employees and be aware of their responsibilities under relevant legislation, corporate and departmental policies, ethical standards and where appropriate, professional standards. No discussion regarding clients, volunteers or employees will be conducted other than with authorized persons in accordance with corporate and department policies.

6) Communications/Media Relations/Promotion

- 6.1 Members shall show respect for the decision making process of Council. Information concerning adopting policies, procedures and decisions of the Council shall be conveyed openly and accurately.
- 6.2 Members shall accurately communicate the decisions of Council even if they disagree with the decision.
- 6.3 Confidential information may be communicated only when and after determined by Council.
- 6.4 Members shall not use his/her office to promote or sponsor commercial products or events other than Town sponsored products or events.

7) Relations with Employees

- 7.1 Members are elected legislators for the municipality. Employees are accountable only to the Chief Administrative Officer (“CAO”) or his/her designate and are responsible for implementing the decisions of Council, ensuring the efficient and effective operation of municipal services.
- 7.2 Members shall acknowledge and respect the fact that employees work for the Town as a corporate body and are responsible for making recommendations that reflect

their professional expertise and corporate objectives, without undue influence from any Members.

- 7.3 In addition, Members shall acknowledge and respect the fact that Town employees carry out directions of Council as a whole and administer the policies of the Town. Members shall refrain from using their position to improperly influence employees in their duties or functions to gain an advantage for themselves or others.
- 7.4 Members shall refrain from publicly criticizing employees, in any way that casts aspersions on their professional competence and credibility.
- 7.5 Members shall not compel employees to engage in partisan political activities.
- 7.6 Employees will provide support to Council required by Provincial statutes, Town By-laws and special meetings when approved by Council.
- 7.7 In the event that a Member desires a public meeting, which supplements a public meeting required by Provincial statute, or a municipal by-law, a Member shall make the request through Council or the CAO.

8) Gifts, Hospitality and Benefits

- 8.1 The Town recognizes that moderate hospitality is an accepted courtesy of a business relationship. However, Members shall not accept any gift, benefit, service, entertainment or hospitality which could be seen to compromise their decision on a matter, or create any obligation or special consideration by an individual, group or organization.
- 8.2 This section does not apply to tokens, mementoes, souvenirs, or perishable gift. Members may only receive a gift, hospitality or entertainment that is received as an incident of protocol or social obligation that normally accompanies the responsibilities of elected office.
- 8.3 Members shall submit to the Town any gift received which:
 - a) is not an incident of protocol or social obligation; or
 - b) is not a token of appreciation for attending or speaking at an event.
- 8.4 The Town will then donate the gift to a registered Rainy River charity. The CAO will log the gifts received and a letter of appreciation will be sent to the donor, where appropriate, advising their gift will benefit a Rainy River charity.
- 8.5 No Member shall seek or obtain by reason of her or his office any personal privilege or advantage with respect to Municipal services not otherwise available to the general public and not consequent to her or his official duties.

- 8.6 Members may claim expenses normally incurred in the conduct of their responsibilities in accordance with the current Council Expense Policy.

9) Conflict of Interest

- 9.1 A conflict of interest is a set of circumstances that creates a risk that professional judgement or actions regarding a primary interest will be unduly influenced by a secondary interest. Conflict of interest rules in the public sphere mainly focus on financial relationships since they are relatively more objective, fungible, and quantifiable, and usually involve the political, legal, and medical fields.
- 9.2 Primary interest refers to the principal goals of the profession or activity, such as the protection of clients, the integrity of research, and the duties of public office.
- 9.3 Secondary interest includes personal benefit and is not limited to only financial gain but also such motives as the desire for professional advancement, or the wish to do favours for family and friends. These secondary interests are not treated as wrong in and of themselves, but become objectionable when they are believed to have greater weight than the primary interests.
- 9.4 Members will recognize their obligations to follow and respect the provisions of the Municipal Conflict of Interest Act. Members must publicly declare their direct or indirect pecuniary interest.
- 9.5 When a pecuniary interest exists, Members must withdraw from direct involvement and refrain from any comment at any time, whether in a Council or Committee meeting, or elsewhere, on the issue which might influence the decision.
- 9.6 Said Members must refrain from influencing and discussing the matter. They are not eligible to vote on the matter.
- 9.7 Members shall vacate the Council table when the matter on which they have declared a direct or indirect pecuniary interest is debated.
- 9.8 If the matter is of a confidential nature, Members shall retire from the closed meeting for the duration of the discussion and voting on the matter.

10) Conduct at Meetings

- 10.1 During Council, Committee or any other advisory committee meeting, or a working group meeting, Members shall conduct themselves with decorum and in accordance with the Town's Procedural By-law. Respect for a delegate, a fellow Member,

employees and for the public requires Members to be courteous and not disrupt business during any portion of the meeting, including presentations and when another individual has the floor.

- 10.2 A Member shall not use indecent, abusive, or insulting words or expressions toward any other member, any member of staff or any member of the public.
- 10.3 A Member shall not speak in a manner that is discriminatory to any individual based on the person's race, ancestry, place of origin, creed, gender, sexual orientation, age, colour, marital status or disability.
- 10.4 Further to the provisions contained in the Town's Procedural By-law, cell phones or similar devices shall be on vibrate or silent while in open session, and turned off while in closed session.

11) Use of Corporate Resources

11.1 Members may only use Corporate Resources for:

- a) activities connected with the discharge of their official duties;
- b) associated community activities having the sanction of Council or its committees; and
- c) where applicable in accordance with the Town Council's Expense Policy.

12) Compliance with the Code: Complaint Protocol

- 12.1 Members, Town employees or members of the public who have reasonable grounds to believe that a Member has contravened the Code may proceed through an Informal Complaint Procedure.
- 12.2 An individual is encouraged to initially pursue the informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code. However, it is not a precondition or a prerequisite that the informal complaint procedure be initiated or completed prior to pursuing a formal complaint procedure.

13) Option A: Informal Complaint Procedure

13.1 Any individual who identifies or witnesses behaviour or activity by a sitting Member of Council, that appears to be in contravention of the Code of Conduct for Members of Council may address the prohibited behaviour or activity themselves in the following manner:

The Complainant shall:

- a) Advise the Member of the alleged contravention that his/her behaviour or activity appears to contravene the Code;
- b) Request that the Member immediately discontinue the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity;
- c) Keep a written record of the incident including date, time, location, other persons present and any other relevant information;
- d) If applicable, advise the Member regarding his/her satisfaction with the response, or, if applicable; advise the Member of his/her dissatisfaction with the response;
- e) Consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Option B, or in accordance with an applicable judicial process.

14) Option B: Formal Complaint Procedure

14.1 Any individual who identifies or witnesses behaviour or an activity by a sitting Member of Council, that they believe is in contravention of the Code of Conduct for Members of Council, may file a formal complaint in accordance with the CAO with the following conditions:

- a) All complaints shall be made in writing and shall be dated and signed by an identifiable individual.
- b) The complaint must set out reasonable and probable grounds for the allegation that the Member has contravened the Code of Conduct. A supporting affidavit setting out the evidence in support of the allegation must also be included
- c) If the complainant is a Member of Council, their identity shall not be protected if it is found that the complaint was not made in good faith.
- d) Recommend that the appropriate Committee or local board remove the Member as Chair of a Committee or local board.

15) Non-Compliance with the Code

- 15.1 If the complaint, on its face, is regarding non-compliance with the Municipal Conflict of Interest Act as opposed to the Code of Conduct, the complainant shall be advised to review the matter with the complainant's own legal counsel.
- 15.2 If the complaint is more appropriately addressed under the Municipal Freedom of Information and Protection of Privacy Act, the complainant shall be advised that the matter must be referred to the CAO for Access and Privacy review.
- 15.3 If it is determined that there has been no contravention of the Code of Conduct or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence, or an error of judgment made in good faith, the CAO may so state in the report and may make appropriate recommendations pursuant to the Municipal Act, 2001.
- 15.4 If it is determined that there has been a contravention of the Code of Conduct, the CAO shall give a copy of her/his report to the Council, to the complainant, and to the Member whose conduct is causing concern. Said Member shall have the right of reply when the report is considered by Council.
- 15.5 Where it is decided that a Member has contravened this Code the CAO is to make a recommendation to the Council to:
- a) censure the Member;
 - b) reprimand the Member;
 - c) recommend that Council remove the Member from an advisory committee or local board;
 - d) recommend that the appropriate Committee or local board remove the Member as Chair of a Committee or local board;
 - e) require the Member to repay or reimburse monies received;
 - f) require the Member to return the property or item, or reimburse the value;
 - g) request the Member to apologize to Council, the complainant, or both;
 - h) suspend the remuneration paid to the Member in respect of their services as a Member for a period of up to ninety (90) days.

16) Copy of the Report

The CAO shall provide a copy of the final report to the complainant and the Member whose conduct it has addressed.

17) Report to Council

The CAO shall submit the final resolution of the complaint to Council at its next meeting and the report shall be listed with matters considered in an “in-camera” session.

18) Annual Report

The CAO shall report annually to Council on complaints filed.

19) Policy Review

Members are expected to formally and informally review the provisions of this Code on a regular basis or when so requested by Council.

This Policy shall be reviewed once during each term of Council.

ADOPTION & REVIEW GUIDELINES

Approved by By-Law 1644-16 on October 11, 2016
Reviewed/Revised by By-Law #

Approximate date of next review October 11, 2019

REFERENCES:	POLICY AREA	POLICY NUMBER
	Human Resources	Section HR-8
