

THE CORPORATION OF THE TOWNSHIP OF CENTRAL FRONTENAC**BY-LAW #2021-14****Being a By-law to amend By-Law 2019-11,
being a by-law to adopt policies regarding the relationship between
members of council and the officers and employees of the
municipality**

Whereas Section 11 of the Municipal Act, S.O. 2001, c. 25, as amended authorizes a municipality to pass by-laws regarding Accountability and Transparency of the municipality and its operations and of its local boards and their operations;

And Whereas Section 270 (1) of the Municipal Act S.O. 2001, c. 25, as amended requires the municipality to adopt policies with respect to the relationship between members of council and the officers and employees of the municipality;

And Whereas Section 223.3.(1) of the Municipal Act S.O. 2001, c. 25, as amended authorizes municipalities to appoint an Integrity Commissioner who is responsible for the application of the code of conduct for members of council and members of local boards as well as to launch proceedings under the Municipal Conflict of Interest Act, R.S.O 1990, c. M. 50;

And Whereas pursuant to By-Law 2018-36 the Township of Central Frontenac has appointed an Integrity Commissioner for this purpose;

And Whereas council passed By-Law 2019-11 February 26, 2019 to adopt policies regarding the relationship between members of council and the officers and employees of the municipality

And Whereas the Township's Integrity Commissioner has recommended certain amendments to these policies

NOW THEREFORE the Council of The Corporation of the Township of Central Frontenac enacts as follows:

1. That By-Law 2019-11 be and is hereby amended by:
 - i. replacing Schedule "A" being the Code of Conduct, including Appendix "A" and "B" with the Schedule "A" attached hereto;
 - ii. replacing Schedule "B" to By-Law 2019-11 being the Council and Staff Relationship Policy with the Schedule "B" attached hereto.

2. All other terms and conditions of By-Law 2019-11 remain in effect.

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3. That this By-Law shall come into force and effect as of the date of passing.

Read a first and second time this 23rd day of February, 2021.

Read a third time and passed this 23rd day of February, 2021.

Mayor

CAO/Clerk

Schedule "A" to By-Law 2021-14

The Corporation of The Township of Central Frontenac Code of Conduct for Members of Council and Local Boards

1. Application & Purpose

1.1. This Code of Conduct applies to all Members of the Council of the Township of Central Frontenac, including the Mayor and, unless specifically provided, with necessary modifications to all Township committees, agencies, boards and commissions which comprise and are defined as local boards in subsection 1(1) and section 223.1 of the *Municipal Act, 2001*.

1.2. The purpose of this Code of Conduct is to establish a general standard to ensure that all Members share a common basis for acceptable conduct, and to which all Members are expected to adhere to and comply with. This Code of Conduct augments other laws which Members are governed by and which requires Members to follow the Procedural By-law and other sources of applicable law, including but not limited to:

- Municipal Act, 2001
- Municipal Conflict of Interest Act
- Municipal Elections Act, 1996
- Municipal Freedom of Information and Protection of Privacy Act
- Human Rights Code
- Occupational Health and Safety Act
- Provincial Offences Act
- Criminal Code

2. Statement of Principles

2.1. This Code of Conduct is intended to set a high standard of conduct for Members in order to provide good governance and a high level of public confidence in the administration of the Township by its Members as duly elected representatives of Council or as duly appointed representatives of local boards to ensure that they each operate from a foundation of integrity, transparency, justice, truth, honesty and courtesy.

2.2. The following key statements of principle are intended to guide Members and assist with the interpretation of the Code of Conduct:

- Members shall serve and be seen to serve the public in a conscientious and diligent manner
- Members shall observe and act with the highest standard of ethical conduct and integrity;
- Members shall avoid the improper use of the influence of their office and act without any personal or private interest;
- Members shall act and are expected to perform their functions with honesty, integrity, accountability and transparency;
- Members shall perform their duties and arrange their private affairs in a manner that promotes public confidence and that will bear close public scrutiny;
- Members shall be cognizant that they are at all times representatives of the Township and of Council, recognize the importance of their duties and responsibilities, take into account the public character of their function, and maintain and promote the public trust in the Township; and
- Members shall uphold the spirit and the letter of the laws of Ontario and Canada, and the laws and policies adopted by Council.

The above statements are key principles that are intended to facilitate an understanding, application and interpretation of the Code of Conduct – the principles are *not* operative provisions of the Code of Conduct and are not intended to be enforced independently as such.

3. Definitions

3.1. The following terms shall have the following meanings in this Code of Conduct:

- (a) “CAO” means the Chief Administrative Officer and/or Clerk-Administrator of the Township;
- (b) “child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;
- (c) “confidential information” means information or records that are in the possession, in the custody or under the control of the Township that the Township is either precluded from disclosing under the *Municipal Act, 2001* or other applicable legislation, its Procedural By-law or any of its other by-laws, policies, rules or procedures, that it is required to refuse to disclose under the *Municipal Freedom of Information and Protection of Privacy Act* or other legislation or that is disclosed at a closed meeting of Council or a committee;

- (d) “conflict of interest” means a situation in which a Member has competing interests or loyalties between the Member’s personal or private interests and his or her public interests as an elected representative such that it might influence his or her decision in a particular a matter;
- (e) “Council” means the council for the Township and includes, as the context may require and with all necessary modifications, any of the Township’s committees, agencies, boards or commissions, which are defined as a local board in subsection 1(1) and section 223.1 of the *Municipal Act, 2001*, and includes a joint board;
- (f) “fiduciary” means the obligation of a person in a position of authority to act on behalf of another, assuming a duty to act in good faith and with care, candour and loyalty in fulfilling this obligation;
- (g) “frivolous” means of little or no weight, worth, importance or any need of serious notice;
- (h) “Integrity Commissioner” means the person appointed by Council pursuant to section 223.3 of the *Municipal Act, 2001* to independently carry out the functions set out therein and such other functions as may be assigned by Council from time to time;
- (i) “Mayor” means the head of Council for the Township.
- (j) “meeting” means a regular, special or other meeting of Council or a committee of Council where:
 - (i) a quorum of Members is present, and
 - (ii) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of Council;
- (k) “Member” means a Member of the Council for the Township or a member of a local board, including a member of a joint board if that member is appointed by the Council to the joint board;
- (l) “non-pecuniary interest” means a private or personal interest that a Member may have that is non-financial in nature and that would be considered by a reasonable person, apprised of all the circumstances, as being likely to influence the Member’s decision in any matter in which the non-pecuniary interest arises, and may include, but is not limited to, an interest that arises from a relationship with a person or entity;
- (m) “pecuniary” means relating to or consisting of money or having financial or economic value;

- (n) “parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;
- (o) “spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (p) “staff” means the CAO and all officers, directors, managers, supervisors and all staff, whether full-time, part-time, contract, seasonal or volunteer, as well as agents and consultants acting in furtherance of the Township’s business and interest;
- (q) “Township” means The Corporation of the Township of Central Frontenac; and
- (r) “vexatious” means troublesome or annoying in the case of being instituted without sufficient grounds and serving only to cause irritation and aggravation to the person being complained of.

4. General Obligations

4.1. In all respects, a Member shall:

- (a) make every effort to act with good faith and care;
- (b) conduct themselves with integrity, courtesy and respectability at all meetings of the Council or any committee and in accordance with the Township’s Procedural By-law or other applicable procedural rules and policies;
- (c) seek to advance the public interest with honesty;
- (d) seek to serve their constituents in a conscientious and diligent manner;
- (e) respect the individual rights, values, beliefs and personality traits of any other person, recognizing that all persons are entitled to be treated equally with dignity and respect for their personal status regarding gender, sexual orientation, gender identity, gender expression, race, creed, religion, ability and spirituality;
- (f) refrain from making statements known to be false or with the intent to mislead Council or the public;
- (g) recognize that they are representatives of the Township and that they owe a duty of loyalty to the residents of the Township at all times;
- (h) accurately communicate the decisions of Council;

- (i) respect Council's decision-making process even if they disagree with Council's ultimate determinations and rulings; and
- (j) refrain from making disparaging comments about another Member or person or unfounded accusations about the motives of another Member or person.

5. The Role of Staff

- 5.1. Council as a whole approves the budget, policies and governance of the Township through its by-laws and resolutions. An individual Member does not direct nor oversee the functions of the staff of the Township.
- 5.2. The Township's staff serve Council and work for the Township as a body corporate under the direction of the CAO. Members shall acknowledge, respect and have regard for the administration, managerial and organizational structure of the Township when requesting information or advice from staff.
- 5.3. A Member shall comply with the Township's Council and Staff Relationship Policy.
- 5.4. A Member shall not publicly criticize staff. Should a Member have any issue with respect to any staff member, such issue shall be referred to the CAO who will direct the matter to the particular staff member's appropriate superior.
- 5.5. A Member shall respect the role of staff in the administration of the business and governmental affairs of the Township, and acknowledge and appreciate that staff:
 - (a) provide advice and make policy recommendations in accordance with their professional ethics, expertise and obligations and, that a Member must not falsely or maliciously injure the reputation of staff members whether professional or ethical or otherwise;
 - (b) work within the administration of justice and that a Member must not make requests, statements or take actions which may be construed as an attempt to influence the independent administration of justice and, therefore, a Member shall not attempt to intimidate, threaten, or influence any staff member from carrying out that person's duties, including any duty to disclose improper activity; and
 - (c) carry out their duties based on political neutrality and without undue influence from any individual Member and, therefore, a Member must not invite or pressure any member of staff to engage in partisan political activities or be subjected to discrimination or reprisal for refusing to engage in such activities.

6. Township Property

- 6.1 Council is the custodian of the assets of the Township. The community places its trust in Council and those it appoints to make decisions for the public good in relation to these assets.
- 6.2 By virtue of their office or appointment, a Member must not use or permit the use of the Township's land, facilities, equipment, supplies, services, staff or other resources for activities other than the business of the Township. No Member shall seek financial gain for themselves, family or friends from the use or sale of Township's intellectual property, computer programs, technological innovations, or other patent, trademarks or copyright held by the Township.

7. Gifts and Benefits

- 7.1 Any gift to a Member risks the appearance of improper influence. Gifts may improperly induce influence or create an incentive for a Member to make decisions on the basis of relationships rather than in the best interests of the Township. A Member shall not accept a fee, advance, gift, gift certificate, cash, hospitality, loan or any form of personal benefit connected directly or indirectly with the performance of his or her duties except as provided in Section 7.2. A gift, benefit or hospitality 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. Any doubt concerning the propriety of the gift should be resolved by the Member not accepting or keeping it.
- 7.2 For greater clarity, despite Section 7.1, a Member is entitled to accept any compensation, remuneration or benefits authorized by law but shall not accept any gift or benefit other than in the following circumstances:
- (a) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
 - (b) a political contribution otherwise reported by law, in the case of a Member running for office;
 - (c) services provided without compensation by persons volunteering their time for a charitable or non-profit event or for the Member's re-election campaign;
 - (d) nominal tokens, mementos or souvenirs received as an incident of protocol or social obligation that normally accompanies the responsibilities of elected office or at a function honouring the Member;
 - (e) food, lodging, transportation and entertainment provided by provincial, regional and local governments or any

agencies or subdivisions of them or 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 as a representative of the Township;

- (f) entrance fees or food and beverages consumed at banquets, receptions or similar events, if:
- (i) attendance serves a legitimate municipal business purpose related to the normal business of the Township,
- (ii) the person extending the invitation or a representative of the organization is in attendance, and
- (iii) the value is determined by the Integrity Commissioner to be reasonable and the invitations are infrequent;
- (g) gifts not having a value greater than \$100 in a calendar year; and
- (h) any gift or benefit, if the Integrity Commissioner is of the opinion, before the gift or personal benefit has been accepted, that it is unlikely that receipt of the gift or benefit gives rise to a reasonable presumption that the gift or benefit was given in order to influence the Member in the performance of his or her duties.

7.3 A Member who has received and accepted a gift or benefit pursuant to Section 7.2(a), (f), (g) and (h) shall file a disclosure of the gift or benefit indicating the person, body or entity from which it was received together with the estimated value of the gift or benefit in accordance with the Disclosure Statement set out in Appendix "A". A Member shall provide the Disclosure Statement to the CAO/Clerk on an annual basis by March 31 for the preceding calendar year and it shall be a matter of public record.

7.4 A Member shall not seek or obtain by reason of his or her office any personal privilege or advantage with respect to municipal services not otherwise available to the general public and not connected directly or indirectly to the performance of the Member's duties.

8. Confidential Information

8.1 Members receive confidential information from a number of sources as part of their work as elected officials. This includes information received in confidence by the Township that falls under the privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and other applicable privacy laws and information received during closed meetings of Council. Examples of the types of information that a Member must keep confidential, unless expressly authorized by Council or as required by law to disclose, include, but are not limited to:

- (a) matters related to ongoing litigation or negotiation, or that is the subject of solicitor-client privilege;
 - (b) information provided in confidence, for example the identity of a complainant where a complaint is made in confidence;
 - (c) price schedules in contract tender or request for proposal submissions if so specified;
 - (d) personnel matters about an identifiable individual;
 - (e) “personal information” as defined in the *Municipal Freedom of Information and Protection of Privacy Act*;
 - (f) any census or assessment data that is deemed confidential; and
 - (g) the purchase or sale of personal or real property by the Township.
- 8.2 A Member shall not disclose the content of any confidential information, or the substance of deliberations, of a closed meeting. A Member has a duty to hold any information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. All confidential documents received at a closed meeting are to be turned into the CAO/Clerk at the end of the closed meeting. A Member shall not, either directly or indirectly, release, make public or in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or as required by law.
- 8.3 A Member shall not disclose, use or release confidential information in contravention of applicable privacy laws. Members are only entitled to information in the possession of the Township that is relevant to matters before the Council, or a committee. Otherwise, Members enjoy the same access rights to information as any other member of the community or resident of the Township and must follow the same processes as any private citizen to obtain such information.
- 8.4 A Member shall not misuse confidential information in any way or manner such that it may cause detriment to the Township Council or any other person, or for financial or other gain for themselves or others.
- 8.5 A Member shall respect the right to confidentiality and privacy of all clients, volunteers and staff, and should be aware of their responsibilities under applicable legislation, Township policies, procedures and rules, ethical standards and, where appropriate, professional standards.

- 8.6 A Member shall not disclose any confidential information received by virtue of his or her office, even if the Member ceases to be a Member.

9. Discrimination and Harassment

- 9.1 A Member shall treat all members of the public, one another and staff with respect and without abuse, bullying or intimidation and ensure that their work environment is free from discrimination and harassment.
- 9.2 A Member shall not use indecent, abusive or insulting words, phrases or expressions toward any member of the public, another Member or staff.
- 9.3 A Member shall not make comments or conduct themselves in any manner that is discriminatory to any individual based on the individual's race, colour, ancestry, citizenship, ethnic origin, place of origin, creed or religion, gender, gender identity, gender expression, sexual orientation, marital status, family status, disability, age or record of offences for which a pardon has not been granted.
- 9.4 A Member shall comply with the Township's Workplace Harassment and Violence Policy.

10. Improper Use of Influence

- 10.1 A Member shall not use the influence of their office or appointment for any purpose other than the exercise of his or her official duties in the public interest.
- 10.2 A Member shall not use the status of their position to influence the decision of another person to the private advantage or non-pecuniary interest of themselves, their parents, children or grandchildren, spouse, or friends or associates, or for the purpose of creating a disadvantage to another person or for providing an advantage to themselves.

11.0 Conflicts of Interest

- 11.1 A Member shall comply with the requirements of the *Municipal Conflict of Interest Act* with respect to obligations relating to pecuniary interests. A contravention of the *Municipal Conflict of Interest Act* shall not constitute a breach of the Code of Conduct but may be enforced in accordance with the provisions of the statute and section 223.4.1 of the *Municipal Act, 2001*.
- 11.2 A Member shall also seek to avoid conflicts of interest that are non-pecuniary in nature in order to maintain public confidence in the Township and its local boards. If a Member has a non-pecuniary interest, the Member should declare the non-pecuniary interest and then leave the meeting and shall not participate in any discussion or vote on the matter, and shall not

attempt to influence the voting on the matter in any way, before during or after the meeting.

- 11.3 Members are encouraged to seek guidance from the Integrity Commissioner when they become aware that they may have a conflict of interest between their responsibilities to the public as a Member and any other pecuniary or non-pecuniary interest.

12.0 Council Policies and Procedures

- 12.1 A Member shall observe and adhere to the policies, procedures and rules established from time to time by Council.

13.0 Election Activity

- 13.1 A Member is required to conduct themselves in accordance with the *Municipal Elections Act, 1996* and any Township policies pertaining to elections. The use of the Township's resources, both property and staff time, for any election-related activity is strictly prohibited. Election-related activity applies to the Member's campaign and any other election campaigns for municipal, provincial or federal office.

14.0 Respect for the Code of Conduct

- 14.1 A Member shall respect the process for complaints made under the Code of Conduct, the *Municipal Conflict of Interest Act* or through any process for complaints adopted by the Township.
- 14.2 A Member shall interact courteously and respectfully with the Integrity Commissioner and with any person acting under the direction of the Integrity Commissioner. A Member shall not act in reprisal or threaten reprisal against a person who makes a complaint or provides information to the Integrity Commissioner during an investigation. The Integrity Commissioner is authorized to report any incidents of threats or reprisals to Council or the local board and may recommend penalties or remedial or corrections measures or actions.
- 14.3 A Member shall cooperate with requests for information during any investigations or inquiries under the Code of Conduct and shall not:
- (a) interfere with or obstruct an investigation by the Integrity Commissioner;
 - (b) destroy or damage documents or erase electronic communications;
 - (c) refuse to respond to the Integrity Commissioner where a complaint has been filed under the Code of Conduct or any process for complaints adopted by the Township; or
 - (d) interact with or attempt to influence any other Member or staff member with respect to the subject matter of the

investigation or inquiry.

15.0 Penalties for Non-Compliance with the Code of Conduct

15.1 Where the Integrity Commissioner reports that there has been a violation of the Code of Conduct by a Member, Council delegates the authority to the Integrity Commissioner to impose the following penalties on the Member:

- (a) a reprimand; and/or
- (b) a suspension of the remuneration paid to the Member in respect of his or her services as a Member for a period up to ninety (90) days.

16.0 Remedial or Corrective Measures or Actions

16.1 Council may, on the basis of a recommendation from the Integrity Commissioner, also take any or all of the following corrective or remedial actions, and require that the Member:

- (a) provide a written or verbal apology;
- (b) return property or make reimbursement of its value or of money spent;
- (c) be removed from or not be appointed to the membership on a committee of Council or local board;
- (d) be removed from or not be appointed as chair of a committee of Council or local board; and
- (e) comply with any other remedial or corrective action or measure deemed appropriate by the Integrity Commissioner.

17.0 Legal Fees

17.1 A Member of Council is entitled to seek the advice of the Integrity Commissioner with respect to their own obligations under the Code of Conduct, any ethical procedure, policy or rule, and sections 5, 5.1, and 5.2 of the *Municipal Conflict of Interest Act*. As such, a Member is solely responsible for his or her own legal costs if they retain a lawyer or paralegal to provide counsel, advice or representation on any matter related to the Code of Conduct, any ethical procedure, policy or rule, or sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*, including, but not limited to, an investigation and the imposition of penalties or remedial or corrective actions by the Integrity Commissioner or Council, a complaint to the Ontario Ombudsman or a judicial review application to the courts from a decision of the Integrity Commissioner or Council.

18.0 Complaint Protocol

18.1 The Complaint Protocol is Appendix “B” to the Code of Conduct and applies to complaints under the Code of Conduct and applications under the *Municipal Conflict of Interest Act*.

APPENDIX “A”

DISCLOSURE STATEMENT FOR GIFTS OR BENEFITS

Member’s

Name: _____

Gift Received or Nature of

Benefit: _____

Received

From: _____

Date of Receipt: _____ Value of Gift or

Benefit: _____

Please describe the circumstances under which the gift or benefit was received:

Please describe your intentions with respect to the gift or benefit:

Do you anticipate transferring the gift or benefit described above to the municipality?

Yes, immediately _____ Yes, eventually _____ No

Member’s Signature
Central Frontenac By-law No. 2021-14

Date

Amending bylaw 2019-11 adopting Code of Conduct and Council/Staff Relationship Policy
February 19, 2021