



## *Township of Blandford-Blenheim*

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### **CODE OF CONDUCT FOR MUNICIPAL COUNCIL, ADVISORY COMMITTEES AND LOCAL BOARDS OF THE TOWNSHIP**

#### **Policy Statement**

Policy direction for the behaviour of members of Council in the performance of their duties and responsibilities as elected community representatives.

#### **Purpose**

Subsection 223.2(1) of the *Municipal Act, 2001* authorizes a municipality to establish codes of conduct for members of the council of the municipality and of local boards. Subsection 223.3(1) also authorizes a municipality to appoint an Integrity Commissioner who would be responsible for performing in an independent manner the functions assigned by Council with regard to the application of a Code of Conduct. Such an appointment is not contemplated by this Policy at this time.

The Code of Ethical Conduct sets minimum standards for the behaviour of Council members in carrying out their functions. It has been developed to assist Council to:

1. Understand the standards of conduct that are expected of them and the law that applies in relation to these standards;
2. Fulfill their duty to act honestly and exercise reasonable care and diligence; and
3. Act in a way that enhances public confidence in local government.

#### **Application**

This policy applies to members of the Council of the Corporation of the Township of The Blandford-Blenheim in the performance of their duties and responsibilities as elected community representatives, as well as members of Township Committees and Local Boards.

#### **Definitions**

Municipality – means the Corporation of the Township of The Blandford-Blenheim.

Members – means members of The Blandford-Blenheim Council, Township Committees and Local Boards of the municipality.

Committee - means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more Councils or local boards.

Local Board: means a local board established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities but does not include The Blandford-Blenheim Police Services Board.

## Procedures

### 1. Statement of Principle

A written Code of Ethical Conduct helps to ensure that the members of Council, Committees and Local Boards of the municipality share a common basis of 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 Blandford-Blenheim's elected and appointed representatives operate from a base of integrity, justice and courtesy.

Members 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 members and the public.

The Township of Blandford-Blenheim's Code of Ethical Conduct for Municipal Council is a general standard that augments Provincial laws and municipal policies and by-laws that govern conduct. It is not intended to replace personal ethics.

This Code of Ethical Conduct is consistent with the existing statutes governing the conduct of members. Five pieces of Federal and Provincial legislation govern the conduct of members of Council, those being:

- The *Municipal Act, 2001* as amended;
- The *Municipal Conflict of Interest Act, 1990* as amended;
- The *Municipal Elections Act, 1996* as amended; and
- The *Municipal Freedom of Information and Protection of Privacy Act, 1990* as amended;
- The *Criminal Code of Canada*

All members whom this Code of Ethical Conduct applies to shall serve their constituents 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.

## 2. Gifts and Benefits

No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly to the performance of his or her duties of Office, unless permitted by law. Members shall make decisions based on impartial and objective assessment, free from the influence of gifts, favours, hospitality and entertainment.

Members shall decline any personal gift where the acceptance of such gift would imply a contractual agreement with or obligation to the donor.

This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits up to and including a value of \$300.00 that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of office. Tokens, mementoes, souvenirs or gifts with a value of greater than \$300.00 shall be the property of the municipality.

No member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to Township services not otherwise available to the general public and not consequent to his or her official duties.

Exceptions to Section 2. shall be approved by the Mayor and in circumstances when the exception is for the Mayor, the Deputy Mayor shall approve the exception.

## 3. Confidentiality

All information, documentation or deliberation received, reviewed or taken in closed session of Council and its Committees and Local Boards are confidential.

Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required by law to do so. Where a matter has been discussed at a closed session meeting and the information remains confidential, no member shall disclose the content of the matter or the substance of deliberations of the closed session meeting.

Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential.

Particular care should be exercised in ensuring confidentiality of the following types of information:

- Labour relations and personnel matters;
- Information about suppliers provided for evaluation which might be useful to other suppliers;
- Matters relating to the legal affairs of the Township of The Blandford-Blenheim;

- Information that infringes on the rights of others (i.e. sources of complaints where the identity of the complainant was given in confidence);
- Items under litigation or negotiation;
- Price schedules in contract tender 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*, and
- Statistical data required by law not to be released (e.g. certain census or assessment data).

This list is provided as an example and is not exclusive. It is recommended that requests for information be referred to the CAO/Clerk 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*.

#### **4. Use of Township Property**

Subject to Section 5, no member shall use for personal purposes any Township property, equipment, services, supplies or services of consequence other than for purposes connected with the discharge of Township duties or associated community activities of which Township Council has been advised.

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

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.

#### **5. Use of Township Technology Resources**

The Township of The Blandford-Blenheim licenses the use of computer software from a variety of vendors. The Township does not own the software or its documentation. Software is normally copyrighted, and no individual may copy or distribute the software unless expressly permitted to do so under the applicable licence.

#### **6. Work of a Political/Personal Nature**

The use of corporate resources for election purposes is prohibited and no member shall use Township facilities, services or property for his or her re-election campaign. Further, no member shall use the services of Township employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the Township.

No member shall use Township facilities, services or property for his or personal business gain. No member shall use the services of Township employees for his or her personal business during the hours in which the employees are in the paid employment of the Township.

### **7. Conduct at Meetings**

Members shall conduct themselves with decorum at Council, Committee and Local Board meetings in accordance with the provisions of the Township's Procedural By-law.

Respect for deputations and for fellow members and staff requires that all members show courtesy and not distract from the business of Council, Committees and Local Boards during presentations and when other members have the floor.

### **8. Representing the Township**

Members shall make every effort to participate diligently in the activities of the Agencies, Committees and Local Boards to which they are appointed. Members are encouraged to attend openings and charity events.

### **9. Influence on Staff**

Members shall be respectful of the fact that staff work for the Township as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective. Members shall be further 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.

### **10. Business Relations**

No member shall borrow money from any person who regularly does business with the Township unless such person represents 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 any Committee or Local Board of Council or any Agency at which the Township is represented.

### **11. Expenses**

Members shall comply with the provisions of the Township's applicable policies relative to per diem payments and expenses governing reimbursement for attendance at conferences, seminars, training courses and workshops.

Members shall be reimbursed out-of-pocket expenses incurred in accordance with approved Township policies while attending official functions and representing the Township in their official capacity.

## **12. Encouragement of Respect for the Township and its By-laws and Policies**

Members shall encourage public respect for the Township and its by-laws and policies.

## **13. Harassment**

Members shall comply with Township Policies relating to discrimination and a harassment-free workplace. Discrimination or harassment of another member, staff or any member of the public is misconduct. All persons shall 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 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.

## **14. Interpretation**

Members seeking clarification of any part of this Code should consult with their solicitor.

## **15. Complaints**

The Mayor and Deputy Mayor may commence an investigation of any potential breach of this Code on their own accord or in response to a written complaint in the following manner:

- a) Investigate within 30 days of receipt of a formal written request and prepare a written report and recommendation for Council. Additional time, if justified, may be authorized by a resolution of Council.
- b) Determine if a member or members have committed a breach of the Code.
- c) Recommend disciplinary action as set out in the *Municipal Act, 2001*.

The Mayor may consult with legal counsel or any other person as may be required in determining points of law or any other matter.

In the event that the complaint relates to the Mayor, the written submission will be made to the Deputy Mayor who shall have the duties and responsibilities of the Mayor to investigate following the provisions of this Section along with another member of Council.

**16. Consequences of Non-Compliance**

Penalties described in subsection 223.4(5) of the *Municipal Act, 2001* that a municipality may impose if a member has contravened a Code of Ethical Conduct include:

1. A reprimand.
2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or local board, as the case may be, for a period of up to 90 days.

**17. Review Cycle**

This policy will be reviewed in each term of Council by the C.A.O. in conjunction with Council.