

THE CORPORATION OF THE TOWNSHIP OF EAR FALLS

BY-LAW NO. 2591-24

**A By-Law to Amend the Code of Conduct
Policy for Council for the Township of Ear Falls.**

WHEREAS Council passed By-Law No. 2470-23, dated January 18, 2023 amending the Code of Conduct Policy for Council for the Corporation of the Township of Ear Falls; and

WHEREAS Part V.1 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended outlines Accountability and Transparency measures including Codes of Conduct and Integrity Commissioners; and

WHEREAS Section 223.2 of the Municipal Act requires municipalities to establish Codes of Conduct for members of Council and its local Boards; and

WHEREAS O. Reg. 55/18, prescribes subject matters required for inclusion in the Codes of Conduct;

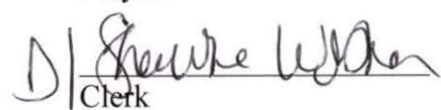
NOW THEREFORE, the Council of the Corporation of the Township of Ear Falls, **HEREBY ENACTS AS FOLLOWS:**

1. **THAT** the purpose of this By-Law is to amend the Code of Conduct Policy for Council for the Township of Ear Falls as per Schedule "A" attached hereto and forming part of this By-Law.
2. **THAT** By-Law No. 2470-23 is hereby repealed.
3. **THAT** this By-Law shall come into force and take effect upon the final passing hereof.

PASSED this 2nd day of October, 2024.



Mayor



Clerk



Policy Section: Corporate

Policy Name: Code of Conduct Policy - Council

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CODE OF CONDUCT POLICY – COUNCIL

I. POLICY STATEMENT

1. Local Government is an open, accessible, and accountable form of government. The relationship of public trust and mutual respect that has evolved between government and the public requires high standards of ethical conduct by Municipal Council Members.

II. PURPOSE

1. Protect the public interest. The practical application of the code's provisions in diverse situations may reveal gaps, ambiguities and inconsistencies in the code. In these circumstances, the protection of public interest, as it is consistent with the concept of "just cause" is to be taken as the true underlying intent of the code.
2. Encourage high ethical standards among Municipal Council Members.
3. Provide a universal understanding of the fundamental rights, privileges, and obligations of Municipal Council Members.
4. Provides a means for Municipal Council Members to obtain authorization for some contemplated conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct.
5. Set out the means of correcting unethical conduct.
6. Municipal Council Members hold positions of privilege. Therefore, they must discharge their duties in a manner that recognizes a fundamental commitment to the well-being of the community and regard for the integrity of the Corporation.

III. DEFINITIONS

"Administrator" – shall mean the Clerk Treasurer Administrator or designate of the Township of Ear Falls.

"Confidential Information" – while the classification of information as "confidential" is a matter of Council discretion whether labelled as confidential or not, disclosure of information

Cross Reference:

Date Approved: March 20, 2013

Last Reviewed: Dec 5, 2018, Sept 3, 2019, Jan 18, 2023, Oct 2, 2024

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will not constitute a breach of the Code of Conduct unless that information is of an inherently confidential nature such as:

- Personal data of employees or others.
- Records related to internal policies and practices, which if disclosed, may prejudice the effective performance of a municipal operation.
- Records of a financial nature reflecting information given or accumulated in confidence.
- Files prepared in connection with litigation and adjudicative proceedings.
- Reports of consultants, policy drafts and internal communications, which, if disclosed, may prejudice the effective operation of the municipality.

“Corporation” – shall mean The Corporation of the Township of Ear Falls.

“Council” – shall mean the Council of the Corporation of the Township of Ear Falls.

“Integrity Commissioner” – shall mean the person who has been appointed by Council to act independently from the municipal government and works to reconcile private interest and public duties to encourage a culture of integrity of the Township's elected officials. The Integrity's core mandate is to assess, investigate and report on disclosures and complaints received. The Integrity Commissioner's contact information is identified in Appendix A of this Policy.

“Municipal Council Members” – include the Mayor and Members of Council of the Township of Ear Falls.

“Public Comment” – disclosures made in a public speech, lecture, radio or television broadcast, in the press, in writing, on Social Media, or electronically to persons who are not employees or officers of the Corporation.

IV. RESPONSIBILITIES

1. Council shall:

- a. Make such revisions, additions, or deletions to the Code of Conduct as may be justified under the concept of “just cause”.

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- b. Following its review of the information decide on the appropriate action in matters concerning a Councillor's ethical conduct.

2. Administrator shall:

- a. Provide recommendations to Council on desirable revisions, additions, or deletions to the Code of Conduct.
- b. Ensure the administrative controls referred to in the Code of Conduct are in place.
- c. Fully inform newly appointed Council Members of the ethical standards they are expected to observe. If requested, to obtain clarification of the specific ethical standards the Council Member will be required to observe in a particular position.
- d. Keep Council Members informed, on an ongoing basis, of the Corporation's Code of Conduct, and organize training as needed for Council.

3. Council Members

- a. **Integrity** – Ultimately, ethical behaviour relies on the diligence of the individual. However, since a breach of ethics impacts not only on that Member of Council but also the Corporation, a Code of Conduct is the means by which the municipality acknowledges their responsibility in this area. Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:
 - i. Conduct in one's private life or Council activities which renders the Councillor unable to perform his or her duties satisfactorily. What moral standard a Councillor must adhere to will vary with the Councillor's relationship with the other Councillor, the Corporation, and the public.
 - ii. Unless otherwise authorized, to use or permit the use of Corporation vehicles, equipment, materials or property for purposes other than Corporation business.
 - iii. To knowingly breach the law in the performance of his/her duties or to request others to do so.
- b. **Impartiality** – Every Municipal Council Member must perform his/her duties in an impartial manner. Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:

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- i. No Member of Council shall grant any special consideration, treatment or advantage in matters related to his/her position on Council to any citizen beyond that which is available to any other citizen.
 - c. **Conflict of Interest** – Every Council Member shall have regard to the provisions contained in the Municipal Conflict of Interest Act, R.S.O. 1990.
 - d. **Financial Transactions** – Every Municipal Council Member must adhere to Corporation’s by-laws and policies regarding any municipal financial transaction.
 - e. **Gifts, Benefits and Hospitality** – The inherent pitfall in accepting gifts and benefits from outside sources is that regardless of the intent, in most instances the person providing the gift has something to gain from the recipient. Gifts and other benefits are the most obvious means of wielding some kind of influence regardless of how innocuous the gesture may appear to be on the surface.

Without restricting the scope of this rule, the following shall be considered breeches of the Code of Conduct:

- i. A Council Member must refrain from accepting personal gifts and benefits from firms or individuals.
- ii. A Council Member must not place themselves in a position where they are under an obligation to favor an individual or firm.
- iii. There is a role for “moderate hospitality”. Council members may consult with the Integrity Commissioner to determine whether or not a specific gesture constitutes moderate hospitality. Generally, accepting small gifts with a value of less than \$250 shall not constitute a breach of this Policy.
- iv A Council Member must disclose, in writing to the Administrator, gifts in excess of \$250. These disclosures will be made public on the Municipal website and will identify:
 - The Member of Council that received the gift;
 - The person / organization that provided the gift;
 - A description / general nature of the gift.

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- f. **Respectful Conduct** – This section regulates Council Member conduct towards officers and employees of the municipality or local board.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:

- i. A Council member must not speak or act in an ill-mannered or unprofessional manner about or towards officers and employees of the municipality or local board.
- ii. A Council member must comply with the Township of Ear Falls' Harassment in the Workplace and Violence in the Workplace Policies, as amended from time to time.
- iii. A Council member must comply with the Township of Ear Falls' Council-Employee Relations Policy, as amended from time to time.

- g. **Confidentiality** – Every Municipal Council Member must hold in strict confidence all information of a confidential nature acquired in the course of his or her term with the Corporation. Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:

- i. To use confidential information which is not available to the general public and to which Members of Council have access by reason of his/her position with the Corporation to further his/her personal interests or the interests of others.
- ii. To disclose to unauthorized persons confidential information to which the Member of Council has access by reason of his/her position as a Member of Council with the Corporation.

- h. **Use of Municipal Property** – This section regulates the “outside” use of municipal owned or leased property by a Council Member.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Conduct:

- i. A Council Member must not use the municipality's property, equipment,

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supplies or services for activities not associated with the discharge of official duties unless proper authorization has been granted by Council, by Resolution, and is deemed to be in the best interest of the Corporation.

- ii. A Council Member shall not use property, equipment, and supplies or services owned or leased by the Corporation for personal gain.

V. PROCEDURES

1. Municipal Council Members are encouraged to seek clarification from the Integrity Commissioner if they are uncertain as to the appropriateness of their existing or contemplated conduct.
2. Complaints or inquiries concerning the ethical conduct of any municipal Councillor shall be made in writing to the Integrity Commissioner for review. The Integrity Commissioner shall advise the Administrator of any complaints received and whether an Investigation with ensue.
3. The Administrator is responsible for working with the Integrity Commissioner to send a copy or summary of any written or oral complaint received to the Councillor(s) complained against. The Administrator will clarify that Council as a whole will receive the complaint copy / summary and the response to the complaint, as part of an Agenda package.
4. Council shall ensure that the Integrity Commissioner investigates:
 - a. All complaints or inquiries concerning the ethical conduct of a Member of Council;
 - b. The conduct of a Member of Council, at the request of Council, where it has determined that an investigation is warranted.
5. The Member of Council against whom the complaint is directed or who is inquiring as to the appropriateness of his/her conduct shall have the opportunity to appear before Council at a Closed or Public Meeting in accordance with the Municipal Act's Closed Meeting rules and the Township's Procedural By-Law, and/or submit a written brief prior to any decision being made.

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6. Once Council receives the Report to Council from the Integrity Commissioner, Council shall provide a response in writing to complainant regarding the action it intends to take.
 7. Where Council determines the conduct referred to does breach the Code of Conduct, Council may:
 - a. Instruct the Member of Council to divest himself/herself of the outside interest or transfer it to a trust.
 - b. Take disciplinary action in the form of:
 - i. Public statement outlining Council's position.
 - ii. Take any other action Council deems appropriate.
 - iii. Removal of appointments to Committees / Boards

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Appendix "A"

Township of Ear Falls Integrity Commissioner's Contact Information

Paul S. Heayn
41 Clearwater Cres.
Dryden, ON P8N 3H8
Ph: 807-223-6824
Cell: 807-221-8128
Email: psheayn@drytel.net

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