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COUNTY OF RENFREW

COUNCIL CODE OF CONDUCT

MAY 27, 2015
Revised February 25, 2016

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SECTION 1 – Definitions

Ad Hoc Committee – means a special purpose committee of limited duration, created by Council to inquire and report on a particular matter or concern, and which dissolves as directed by Council. Ad Hoc Committees may include non-elected members.

Chief Administrative Officer – means the individual Chief Administrative Officer (CAO) of the Corporation of the County of Renfrew as appointed by by-law. The CAO is also the Clerk of the County of Renfrew.

Clerk – means the Clerk of the Corporation of the County of Renfrew as appointed by by-law.

Closed Meeting – means a session of Council, Committee of the Whole or a Committee, comprised of more than 50 percent of members of Council, which is closed to the public in accordance with the Municipal Act.

Committee – means a Committee of Council and includes Standing Committees, Joint Committees, Ad Hoc Committees and Sub-Committees of the County or Renfrew.

Complaint – means a purported contravention of the County of Renfrew Council Code of Conduct and/or Policy.

Conflict of Interest – means a conflict of interest of a Member as set out in the *Municipal Conflict of Interest Act, R.S.O., c. M.50* and any other Applicable Law.

Council – means the Council of the Corporation of the County of Renfrew comprised of duly elected officials.

Council Code of Conduct – means the County of Renfrew Code of Conduct, which operates alongside other statutes governing the conduct of Members of Council, Boards and Committees of the County of Renfrew; may also be referred to as “Code of Conduct.”

County – means the Corporation of the County of Renfrew, which may also be referred to as the municipality or the County of Renfrew.

Frivolous – means of little or no weight, worth or importance; not worthy of serious notice.

Good Faith – means in accordance with standards of honesty, trust, sincerity.

Harassment – as defined in the County of Renfrew’s Workplace Harassment Policy and Program as well as in the *Ontario Human Rights Code*.

Integrity Commissioner – means the individual appointed as the Integrity Commissioner of the County of Renfrew.

Meeting – means a regular, special, committee, or other meeting of Council.

Member – means a Member of Council and includes the Presiding Officer or in the absence of the Presiding Officer, the Member of Council chosen by a majority vote to act as Presiding Officer for the purpose of presiding over a meeting of Council until the arrival of the Presiding Officer.

Municipal Act – means the *Ontario Municipal Act, S.O. 2001, c. 25, as amended*.

Pecuniary Interest – means relating to or connected with money, pursuant to the relevant Conflict of Interest Legislation.

Policy – means any policy or by-law passed by the County of Renfrew.

Presiding Officer – shall in all cases refer to the Presiding Officer or in the absence of the Presiding Officer, the Member of Council chosen by a majority vote to act as Presiding Officer for the purpose of presiding over a meeting of Council or Committee until the arrival of the Presiding Officer.

Rules or Rules of Procedure – means the rules and regulations provided in the County's Procedural By-law.

Sexual Harassment - as defined in the County of Renfrew Workplace Harassment Policy and Program.

Vexatious – means instituted without sufficient grounds and serving only to cause annoyance to the defendant.

Violence – as defined in the County of Renfrew's Workplace Violence Prevention Policy and Program.

Warden – means the head of County Council as set out in the *Municipal Act, S.O. 2001*.

SECTION 2 – Purpose

This Council Code of Conduct sets standards for the behaviour of Council Members in carrying out their functions. It has been developed to assist Council and Members to:

- (a) Understand the standards of conduct that are expected of them and the law that applies in relation to these standards;
- (b) Fulfill their duty to act honestly and exercise reasonable care and diligence;
- (c) Act in a way that enhances public confidence in local government; and
- (d) Identify and resolve situations which might involve a conflict of interest or a potential misuse of position and authority.

This Code of Conduct outlines each individual's responsibility to uphold these principles and values, and act in the public interest.

SECTION 3 – Roles & Responsibilities

The CAO shall take direction from and be responsible to Council of the County of Renfrew, but shall not be instructed or directed by or be responsible to any individual member of the Council. The CAO shall consult with Council with respect to any matter of concern to the municipality or to any of its local boards or committees. Clearly defined roles, distinguishing between the concepts of ‘governance’ and ‘management’, are critical to the success of a municipality. It will be reinforced at the outset that Council sets the policy for the community; it does not engage or participate in the daily operations of the municipality.

3.1 - Legislated Responsibilities & Compliance

The legislated responsibilities, outlined in the *Municipal Act, S.O. 2001*, the laws of Canada, and the Province of Ontario, and all policies and by-laws of the County of Renfrew are to be adhered to and carried out by all Members. Failure to do so constitutes an offence under this policy.

3.2 - Interaction with Staff

The County has worked diligently at creating a positive working relationship between Council and Staff. This has been successful, largely due to a mutual respect for each other’s roles and responsibilities.

- (a) Only Council or Committees, acting as a body, can dictate that staff perform such duties as are necessary to the efficient management of the affairs of the community, and/or research such matters as the Council or Committees deems necessary. Individual Members do not have authority to direct the CAO, Directors, or staff.
- (b) The Role of the CAO and the Directors is to direct the day to day management of the municipality, and assign duties to the staff placed under their supervision. To encourage the efficient management of the community, individual Council Members are requested to be mindful of that fact and are advised of the following:
 - (i) Council Members will respect and adhere to the policies set by Council, and will under no circumstance take it upon themselves to circumvent or ask staff to circumvent established policies. Only Council as a body, at a formal meeting, has the authority to amend policies.
 - (ii) Council as a body, and as individuals, will liaise primarily with the CAO or Directors. This requirement is not designed to interfere with the normal flow of information with those staff members who have been assigned the responsibility of providing information to Council by the Directors or CAO.
 - (iii) Questions or issues surrounding operational concerns or complaints, excluding the basic issues covered above, should be directed to the CAO or to the Directors.

3.3 - Media Communications

It is understood that the Warden as Head of Council is the primary spokesperson for the Council. Therefore the following shall apply to other Members:

- (a) Members will accurately communicate the decisions of Council, even if they disagree with the majority decision of Council, and by doing so affirm the respect for and integrity in the decision-making process of Council. A Member may state that he/she did not support the decision, or voted against the decision.
- (b) Members shall refrain from making judgemental or critical comments about other Members, staff, or Council's processes and decisions.
- (c) Members shall refrain from speculating or reflecting upon the motives of other Members or staff, when communicating with the media.
- (d) Members shall keep all confidential information confidential, until such a time arises that the matter can properly be made public. A breach of confidentiality by Members diminishes public confidence.
- (e) The Media Relations/Grants Coordinator will work/consult with the Council members regarding media releases as necessary.

SECTION 4 – Rules of Etiquette

4.1 -Meetings

- (a) The professional and personal conduct of Members must be above reproach and avoid even the appearance of impropriety. The Presiding Officer should never allow Members or delegations at a meeting to publicly criticize identifiable employees or other individuals. It is the responsibility of the Presiding Officer to ensure that both parliamentary procedure and rules of etiquette are observed by those in attendance at all times.
- (b) There shall be no "Off the Record" or Secret Meetings of Council.
- (c) The County of Renfrew's Remuneration By-law provides a salary for Councillors to attend meetings of Council and meetings of Standing Committees (no per diem is paid based on attendance). However, it is critical to Council that Councillors meet their meeting commitments.

4.2 - Operational Inquiries/ Complaints

- (a) Members who are approached by the public with inquiries/complaints regarding operational matters should direct these to the CAO, or Director for review of the matter.

SECTION 5 – Behaviour of Members

5.1 Interpersonal Behaviour

- (a) Treat Every Person with Dignity, Understanding and Respect:
- (b) Do not Discriminate:
- (c) Do not Engage in Violence or Harassment of Any Kind:

SECTION 6 – Use of Municipal Property and Resources

Members shall not use the municipality's property, equipment, supplies or services, which are not available to the general public, for purposes other than those which are necessary for the discharge of their official duties. This clause does not prohibit incidental responsible personal use of County cell phones or computers.

SECTION 7 – Confidentiality

- (a) Members shall keep confidential any information:
 - (i) Disclosed or discussed at a meeting or part of a meeting of Council, Committee, or Board, that was closed to the public unless the Council, Committee, or Board discusses the information at a meeting that is open to the public or releases the information to the public in accordance with applicable law.
 - (ii) That is circulated to Members marked confidential.
 - (iii) Return any documentation marked confidential to the CAO's office for destruction.
- (b) The obligation to keep information confidential applies even if the Member ceases to be a Council Member.
- (c) Protection of Privacy:
 - (i) Confidential information includes information in the possession of, or received in confidence by the Municipality that the Municipality is either prohibited from disclosing, or is required to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), or other legislation. Generally the MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege.
 - (ii) No Member shall disclose or release by any means to anyone, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so.

- (iii) No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.

SECTION 8 – Gifts, Hospitality & Other Benefits

Members of Council will only accept gifts, hospitality or entertainment of a nominal value that could not be reasonably construed as being given in anticipation or recognition of special consideration by the County. Hospitality or entertainment may be accepted if the offer is infrequent (less than 2 or 3 times per year) and is appropriate to the occasion.

SECTION 9 – Breach of Code of Conduct

9.1 - Integrity Commissioner

- (a) The Municipal Act authorizes the municipality to appoint an Integrity Commissioner who reports to Council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to, the application of:
 - (i) the Code of Conduct for Members of Council, and
 - (ii) any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of Members.
- (b) The Municipal Act also outlines that the Integrity Commissioner may also exercise such powers and shall perform such duties as may be assigned to him or her by the municipality.
- (c) The Integrity Commissioner serves the public interest and is granted authority under the Municipal Act to educate, advise, and investigate the conduct of Members.
- (d) The Integrity Commissioner shall be independent from both Council and staff.
- (e) The Integrity Commissioner is appointed by Council for a term of not less than 4 years to straddle an election by approximately two (2) years on either side and is responsible for performing in an independent manner the functions assigned by the municipality with respect to this Code of Conduct and the procedures, rules, and policies of the municipality.
- (f) The Integrity Commissioner has the power to conduct an inquiry if requested by Council, any other Member, or a member of the public, about whether there has been a contravention of this Code of Conduct or any other County policy.
- (g) The Integrity Commissioner is entitled to free access to all books, accounts, and records, property, or any other necessary thing belonging to the municipality, as well as personnel or other Members which he/she feels is necessary to the investigation process.

- (h) The Integrity Commissioner will be reimbursed for reasonable expenses incurred in the performance of their investigation/ duties.
- (i) Records of the Integrity Commissioner must be retained permanently.

9.2 - Duty to Report Violation

- (a) No Member may directly or indirectly, induce, encourage, or aid a Member to violate any provision of this Code of Conduct.
- (b) Neither staff nor any Member of Council shall take, threaten to take, discharge, discipline, personally attack, harass, intimidate, etc. a person who has reported a violation of this Code of Conduct.

9.3 - Breach of Code of Conduct

- (a) Should the Integrity Commissioner determine that a Member has breached the Council Code of Conduct after completing a proper investigation, the Integrity Commissioner shall report that such a determination has been made at an open regular Council meeting. Council shall then determine an appropriate sanction which shall be delivered by way of a resolution at an open Council meeting.
- (b) Although the Integrity Commissioner's report must be made public, pursuant to the Municipal Act, some parts of the investigations may be confidential, and will not be made public.
- (c) Council may impose any of the following penalties on a Member if the Integrity Commissioner reports to the municipality that, in his or her opinion, the Member has breached this Council Code of Conduct:
 - (i) A reprimand
 - (ii) 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.
- (d) Council may also take the following additional actions:
 - (i) Remove the Member from an Ad-Hoc Committee, Committee or Board.
 - (ii) Remove as Chair of a Committee or Board.
 - (iii) Require the Member to repay or reimburse the compensation received.
 - (iv) Require the Member to return property or reimburse for the value of it.
 - (v) Any other fair and reasonable sanction given the circumstances.
 - (vi) Request a public apology to Council, the complainant, or both.
- (e) All sanctions under this By-law will be fair and in keeping with the severity of the infraction, giving due regard to the Member's previous conduct.

9.4 - Investigation/ Complaint Procedure

- (a) A request for an investigation of a complaint that a Member has contravened this Code of Conduct or policy shall be in writing, and may be filed by any member of the public as well as other Members.
- (b) All complaints must be signed by an identifiable individual.
- (c) A complaint shall set out reasonable and probable grounds for the allegation that the Member has contravened this Code of Conduct and include a supporting affidavit that sets out the evidence in support of the complaint.
- (d) The request shall be filed with the Clerk who shall forward the matter to the Integrity Commissioner for initial classification. The Integrity Commissioner shall determine if the matter is, on its face, a complaint with respect to non-compliance with this Code of Conduct and/or not covered by other legislation or policy.
- (e) If the complaint is determined to be unfounded with respect to a breach of this Code of Conduct or other policies, 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.
- (f) 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, or where that becomes apparent in the course of an investigation, terminate the investigation. If any Member makes more than two such complaints, as determined by the Integrity Commissioner, within a term, such Member shall be found in breach of the Code of Conduct.
- (g) The Integrity Commissioner shall not issue a report finding a violation of this 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.
- (h) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also report to Council outlining the findings, or may recommend corrective action in open Council.
- (i) Where the complaint is unfounded or dismissed, the Integrity Commissioner shall not report to Council, except as part of an annual or other periodic report.
- (j) A complaint will be processed in compliance with the confidentiality requirements of Section 223.5(1) of the *Municipal Act, 2001*, as amended.

9.5 - Integrity Commissioner Reporting to the Municipality

- (a) The Integrity Commissioner shall file a copy of the final report on an investigation with the Clerk, who will then provide a copy of the report to the complainant and the Member whose conduct it has addressed, generally within 90 days of the making of the complaint.
- (b) The Clerk shall submit the Integrity Commissioner’s report to Council within the next two regular meetings and the Integrity Commissioner shall appear to present his or her report to Council.
- (c) If a complaint(s) is filed, the Integrity Commissioner shall report annually to Council on the number of complaints filed by way of a memo to Council, in November of each calendar year.
- (d) The Clerk shall ensure confidentiality is maintained during and after the Integrity Commissioner’s investigation.

Acknowledgement of Understanding and Compliance

The undersigned Member of Council, a Committee, and/or Board of the County of Renfrew hereby acknowledges receipt of a copy of the Council Code of Conduct By-law No. 32-15 and agrees to abide by its contents. The Member also acknowledges this form will be kept on file with the County of Renfrew, and a copy of this signed form was retained by the Member themselves.

Printed Name

Signature of Member

Date

This Council Code of Conduct was delivered to and accepted by

on the 24th day of June, 2015.

_____, **CAO/Clerk.**