



Policy No.: C00-Code of Conduct - Council
Date Enacted: June 9, 2008
Amended By: C-37-13

Subject

To establish a code of conduct that sets out basic principles for members of Council to follow in fulfilling their responsibility to conduct themselves accordingly.

Purpose

A written Code of Conduct helps to ensure that the members of Council share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which members must operate. These standards should serve to enhance public confidence that elected representatives operate from a base of integrity, justice and courtesy

Scope

This Code of Conduct applies to all members of Leamington Council.

This Code of Conduct also applies, subject to any necessary modification, to Council appointments to local boards as defined in section 1(1) of the *Municipal Act*, and to all other appointments to committees, agencies, boards and commissions.

Definitions

A. General Integrity

The key statements of principle that underline the Code of Conduct are as follows:

- Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner;
- Members of Council should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office;

- Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; Members of Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and Leamington Council.

B. Confidential Information

Confidential information includes information in the possession of the Corporation that the Corporation 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, 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.

The *Municipal Act, 2001* as amended, allows information that concerns personal, labour relations, litigation, property acquisitions, the security of the property of the Municipality or a local board, and matters authorized in other legislation, to remain confidential. For the purposes of the Code of Conduct, "confidential information" also includes this type of information.

No member shall 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, except when required by law or authorized by Council to do so.

Nor shall members use confidential information for personal or private gain, or for the gain of relatives or any person or corporation. As one example, no member should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of municipal property or assets.

In accordance with the Procedure By-law, a matter that has been discussed at any in-camera closed meeting remains confidential. No member shall disclose the content of any such matter, or the substance of deliberations, of the in-camera meeting until the Council or committee discusses the information at a meeting that is open to the public or releases the information to the public.

The following are examples of the types of information that a member of Council must keep confidential:

- (a) items under litigation, negotiation, or personnel matters;
- (b) information that infringes on the rights of others (e.g., sources of complaints where the identity of a complainant is given in confidence);
- (c) price schedules in contract tender or Request For Proposal submissions if so specified;

- (d) information deemed to be "personal information" under the *Municipal Conflict of Interest Act*, and
- (e) statistical data required by law not to be released (e.g. certain census or assessment data).

Members of Council should not access or attempt to gain access to confidential information in the custody of the Corporation unless it is necessary for the performance of their duties and not prohibited by Council policy.

C. Gifts and Benefits

Members shall not accept fees, gifts, hospitality or personal benefits that are connected directly or indirectly with the performance of duties as a member of Council, except compensation authorized by law.

This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits up to and including a value of \$200 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 \$200 shall be the property of the Corporation of the Municipality of Leamington.

No member shall 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 consequent to his or her official duties.

D. Conduct at Meetings

During meetings, members of Council shall conduct themselves with decorum. Respect for delegations and fellow members and staff requires that all members show courtesy and not distract from the business of the Council or Committee during presentations and when other members have the floor.

Members of Council are also bound by the provisions of the Municipality's Procedure By-law with respect to conduct at meetings.

E. Election Campaign Work

Members are required to follow the provisions of the *Municipal Elections Act*, 1996. No member shall use the facilities, equipment, supplies, services or other resources of the Municipality for any election campaign or campaign-related activities. No member shall undertake campaign-related activities on municipal property during regular working hours. No member shall use the services of persons during hours in which those persons receive any compensation from the Municipality.

F. Incompatible Activity

No member shall act as a paid agent before Council, its committees, or an agency, board or commission of the Corporation except in compliance with the terms of the *Municipal Conflict of Interest Act*.

A member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

No member shall borrow money from any person who regularly does business with the Municipality unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

No member shall use the influence of his or her office for any purpose other than for the exercise of her or his official duties.

G. Use of Municipal Property, Services and Other Resources

No member of Council shall use, or permit the use of municipal land, facilities, equipment, supplies, services, staff or other resources for activities other than the business of the Corporation. Nor shall any member obtain financial gain from the use or sale of municipal developed intellectual property, computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the Corporation.

H. Conduct Respecting Staff

Members shall be respectful of the fact that staff work for the Municipality as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or group of members of Council. Accordingly, no member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of the staff of the Corporation.

No member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any member use, or attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering with that person's duties, including duty to disclose improper activity.

Members shall be respectful of the fact that staff carry out directions of Council and administer the policies of the Corporation, and are required to do so without any undue influence from any individual member or group of members of Council.

I. Discreditable Conduct

All members of Council have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment. The *Ontario Human Rights Code* applies as does the Municipality of Leamington Workplace Harassment Policy & Procedures - H00-Harrasment and the Workplace Violence Policy - Section 4 of the Health & Safety Manual.

J. Communications and Media Relations

Members of Council should accurately and adequately communicate the attitudes and decisions of Leamington Council, even if they disagree with a majority of the decisions or Council, so that:

- There is respect for the decision making process of Council
- The official information related to the decision and resolutions made by Council would normally be communicated in the first instance to the community and the media in an official capacity by the Mayor
- Information concerning adopted policies, procedures and decisions Council conveys openly and accurately
- Confidential information will be communicated only when and after determined by Council.

K. Procedure

Members of Council seeking clarification of any part of this Code of Conduct should consult with the Chief Administrative Officer.

Upon adoption by Council, and subsequently at the beginning of each term of Council, Members of Council shall be requested to sign a copy of the Code of Conduct Schedule 'A' (attached).

Members are expected to review their adherence to the provisions of the Code on a regular basis or when so requested by Council.

Schedule 'A'

The Corporation of the Municipality of Leamington

Council Code of Conduct

Statement of Commitment

I, _____, a member of Leamington Council have

read and understand the Corporation of the Municipality of Leamington Council Code of

Conduct and I am committed to observing the provisions of the Code as set out therein.

Signature