



## Purpose:

The purpose of this policy is to provide direction for the behavior of members of Council in the performance of their duties and responsibilities as elected community representatives.

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.

The Code of 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.

## Definitions:

**“Municipality”** – means the Corporation of the Township of Zorra.

**“Members”** – means members of Zorra Council/Committees/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.

**“Integrity Commissioner”** – means the person appointed by Township Council By-Law in accordance with Section 223.3 of the *Municipal Act, 2001* and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to the application of the Code of Conduct for Members of Council and Local Boards

## Policy:

### 1.0. Application

- 1.1. This policy applies to members of the Council of the Corporation of the Township of Zorra in the performance of their duties and responsibilities as elected community representatives on Council/Committees/Local Boards.

### 2.0. Statement of Principle

- 2.1. A written Code of Conduct helps to ensure that the members of Council 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 Zorra's elected and appointed representatives operate from a base of integrity, justice and courtesy.

- 2.2. 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.
- 2.3. The Township of Zorra's Code of 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.
- 2.4. This Code of Conduct is a complement to the existing legislation governing the conduct of Members of Council.
- 2.5. The following federal, provincial legislation governs the conduct of Members of Council: the *Municipal Act, 2001*, the *Municipal Elections Act, 1996*, the *Municipal Conflict of Interest Act* and the *Municipal Freedom of Information and Protection of Privacy Act*, the *Provincial Offences Act*, the *Occupational Health and Safety Act*, the *Ontario Human Rights Code*, the *Criminal Code of Canada*; and the by-laws and policies of Council as adopted and amended from time to time.
- 2.6. All members whom this Code of 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.

### **3.0. Gifts and Benefits**

- 3.1. 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.
- 3.2. Members shall decline any personal gift where the acceptance of such gift would imply a contractual agreement with or obligation to the donor.
- 3.3. This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits up to and including a value of \$200.00 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 \$200.00 shall be the property of the municipality.
- 3.4. 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.

#### **4.0. Confidentiality**

- 4.1. All information, documentation or deliberation received, reviewed or taken in closed session of Council and its Committees and Local Boards are confidential.
- 4.2. 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.
- 4.3. Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential.
- 4.4. 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 Zorra;
  - 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 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*.

#### **5.0. Use of Township Property**

- 5.1. Subject to Section 6, 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.
- 5.2. 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 Zorra.

5.3. 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.

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

6.1. The Township of Zorra 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.

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

7.1. The use of corporate resources for election purposes is prohibited in accordance with Policy 100-10 – Use of Corporate Resources (Elections) Policy 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.

7.2. 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.

#### **8.0. Conduct at Meetings**

8.1. 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.

8.2. 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.

#### **9.0. Representing the Township**

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

#### **10.0. Influence on Staff**

10.1. 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.

### **11.0. Business Relations**

- 11.1. 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.
- 11.2. No member shall act as a paid agent before Council or any Committee or Local Board of Council at which the Township is represented.

### **12.0. Expenses**

- 12.1. 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.
- 12.2. 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.

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

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

### **14.0. Discrimination and Harassment**

- 14.1. Members shall comply with Township Policy 300-25 – Harassment & Violence in the Workplace Policy and will promote and champion against discrimination and promote 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.
- 14.2. 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, disability, sexual orientation, marital status, or family status and any other grounds under the provisions of the Ontario Human Rights Code.
- 14.3. Members are responsible for communications that may constitute harassment, whether in person, in writing, by public comment and online, including social media.

### **15.0. Accountability and Transparency**

- 15.1. Members of Council shall conduct and convey Council business in accordance with the Township's Policy 100-08 – Accountability and Transparency Policy, as amended from time to time.

## 16.0. Interpretation

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

## 17.0. Complaints

### 17.1 Informal Complaint Procedure

Any person or representative of an organization if they believe that a Member, is in contravention of the Code of Conduct may wish to address the behaviour themselves. In doing so, they should implement the following steps:

- (a) advise the Member of the behaviour that they feel contravenes the Code;
- (b) engage in discussions with the Member in an attempt to address and to resolve the concerns;
- (c) with the agreement of both parties the Integrity Commissioner may be asked to assist the parties in informally resolving the issue;
- (d) consider the need to pursue the formal complaint process.

It is not a condition that a complainant pursue the informal complaint process prior to pursuing the formal complaint process.

### 17.2 Formal Complaint Process

- (a) Complaint process shall occur as follows:
  - i. A request for an investigation of a *Complaint* that a Member has contravened the Code shall be sent directly to the Integrity Commissioner by mail, email, fax, or courier and shall be in writing. A completed form (see attached) setting out the evidence in support of the allegation must be included.
  - ii. All Complaints must be sent by an identifiable individual.
  - iii. A Complaint shall set out reasonable and probable grounds for the allegation that a Member has contravened the Code of Conduct and shall include the name of the Member, the provisions of the Code allegedly contravened, the facts supporting the allegations, the names and contact information of any witnesses and contact information for the complainant.
  - iv. Municipal Council may by motion file a Complaint or request an investigation of one of its Members.
- (b) Upon receipt of the Complaint:

- i. Upon receipt of the Complaint, the Integrity Commissioner shall make an initial classification to determine if the matter is, on its face, a Complaint with respect to non-compliance under the Code. If the Complaint is not a complaint with respect to non-compliance under the Code, or is covered by other legislation, or a Complaint procedure under another policy, the Integrity Commissioner shall advise the Complainant in writing and attempt to direct the Complainant to the correct service for his or her Complaint.
  - ii. If the Integrity Commissioner determines that the Complaint is not within the Integrity Commissioner's jurisdiction or is frivolous, vexatious, or not made in good faith, the Integrity Commissioner shall advise the complainant of that fact along with any referral he or she deems appropriate. In such case, the Integrity Commissioner will pursue the matter no further.
- (c) The Integrity Commissioner shall report annually to Municipal Council on complaints not within the Integrity Commissioner's jurisdiction but shall not disclose any information identifying a person concerned.
- (d) If a Complaint is received that is within the Integrity Commissioner's jurisdiction that is not rejected as frivolous, vexatious or not in good faith, the Integrity Commissioner shall investigate. At any point the Integrity Commissioner may attempt to settle a Complaint.
- (e) Where the Integrity Commissioner determines that the Complaint meets the criteria to be investigated, the Integrity Commissioner may elect to conduct an informal investigation which may include mediation or alternatively to exercise the powers of a Commissioner under the *Public Inquiries Act, 2009*.
- (f) The Integrity Commissioner will proceed as follows, except where otherwise required by the *Public Inquiries Act, 2009*:
- i. Serve the Complaint and supply material received on the Member who is the subject of the Complaint and request a written response to the allegations within ten (10) business days.
  - ii. Serve a copy of the response received upon the Complainant request a written reply within ten (10) business days.
  - iii. If necessary, after receiving the written materials, the Integrity Commissioner may speak to anyone relevant to the Complaint, examine any of the information referred to in Sections 223.4(3) and (4) of the *Municipal Act* and enter any municipal work location relevant to the Complaint for purposes of the investigation.
  - iv. Prior to issuing a report finding a violation of the Code, the Integrity Commissioner shall provide the Member who is the subject of the Complaint with reasonable notice of the proposed finding and recommended penalty and provide an opportunity for the Member to comment on the proposed finding and recommended penalty.

- (g) If the Integrity Commissioner has not completed an investigation before Nomination Day for a regular election, as set out in the *Municipal Elections Act, 1996*, the Integrity Commissioner shall terminate the inquiry on that day. If an investigation is terminated in accordance with Section 223.4(7) of the *Municipal Act, 2001*, the Integrity Commissioner shall not commence another inquiry with respect to the matter unless, within six (6) weeks after Voting Day in a regular election, the Complainant, or the Member whose conduct is concerned makes a written request to the Integrity Commissioner that the investigation be commenced.
- (h) The Integrity Commissioner shall retain all records related to the Complaint and investigation.
- (i) In the year of a regular election, during the period between Nomination Day for a regular election and ending on Voting Day, there shall be no requests for an inquiry concerning contraventions of the Code, the Integrity Commissioner shall not report to council on the conduct of a Member and the council shall not consider whether to impose penalties under the Code.
- (j) The Integrity Commissioner shall report to the Complainant and the Member generally no later than ninety (90) days after the investigation has been commenced. If the process takes longer than ninety (90) days, the Integrity Commissioner shall inform the Complainant and the Member and provide an estimate of the expected time.
- (k) Where the Complaint is sustained, the Integrity Commissioner shall report to Municipal Council outlining the findings, any settlement, or recommended penalty. The report shall be delivered to the Clerk who shall place the report on the agenda for the next meeting of Municipal Council.
- (l) Where the Complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Municipal Council.
- (m) Municipal Council shall consider and respond to the report within ninety (90) days after the day the report appears on the Council agenda.
- (n) Municipal Council shall not consider a report during the period of time starting on Nomination Day and ending on Voting Day in a year in which a regular election will be held.
- (o) In responding to the report, Municipal Council may vary a recommendation by the Integrity Commissioner.
- (p) Upon receipt of recommendations from Integrity Commissioner, council may in circumstances where the Integrity Commissioner has determined there has been a violation of the Code and pose either of two penalties:
  - i. A reprimand; or



- ii. Suspension of the remuneration paid to the Member in respect of his/her services as a Member of Council or a local board as the case may be for a period of up to ninety (90) days.
- (q) The Integrity Commissioner may also recommend that Municipal Council impose one of the following sanctions:
  - i. Written or verbal public apology;
  - ii. Return of property or reimbursement of its value or of money spent;
  - iii. Removal from memberships of a committee; and
  - iv. Removal of Chair of a committee.
- (r) The Integrity Commissioner has authority to apply Sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* and investigate complaints. If the Integrity Commissioner determines that a violation has occurred, the Integrity Commissioner may apply to a judge of the Superior Court of Justice for a determination of the question of whether the Member has contravened Sections 5, 5.1 or 5.2 of the *Act*.
- (s) A complaint will be processed in compliance with the confidentiality requirements in Section 223.5 and 223.6 of the *Municipal Act* as follows:
  - i. The Integrity Commissioner and every person acting under the Integrity Commissioner's instructions shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of any investigation except as required by law in a criminal proceeding.
  - ii. All reports from the Integrity Commissioner to Council will be made available to the public.
  - iii. The Integrity Commissioner in a report to Council shall only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.

## **18.0. Consequences of Non-Compliance**

- 18.1. 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 Conduct include:
- (a) A reprimand; and
  - (b) 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.

## **19.0. Review Cycle**

- 19.1. This policy will be reviewed in each term of Council by the CAO in conjunction with Council.



**20.0. Implementation**

20.1. Upon adoption of the Code of Ethical Conduct and thereafter at the beginning of each term, Council members will be expected to sign two (2) copies of the Code of Ethical Conduct (one for the member of Council and one for the Clerk's Office) to convey that they have read, understood and accepted the terms outlined.

20.2. The Code of Ethical Conduct is to be included as part of orientation for all members of Council

**Next revision date: (every five years)**

September 2024.

**Accessible Formats:**

If you require this document to be in an accessible format, please contact the Director of Corporate Services at [clerk@zorra.ca](mailto:clerk@zorra.ca) or 519-485-2490 ext. 7228.

Date Approved by Council: April 20, 2022

**Signature**

The undersigned hereby acknowledges that they have read, understood and accept this Code of Ethical Conduct.

\_\_\_\_\_  
Signature of Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Member