

Code of Conduct for Members of Council

Town of Whitchurch-Stouffville

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Introduction

Democracy is an active process – one that requires ongoing engagement between citizens and their elected officials. Ethics and integrity are at the core of public confidence in government and in the political process.

There has been a general trend at the municipal level of government in Ontario, to develop rules around ethical conduct for elected officials so that they may carry out their duties with impartiality and equality of service to all, recognizing that as leaders of the community, they are held to a higher standard of behavior and conduct.

It is the purpose of this Code of Conduct to establish rules that guide Members of Council in performing their diverse roles in representing their constituents and recognizes Members' accountability for managing Town resources allocated to them.

Preamble

Whereas elected officials of the Town of Whitchurch-Stouffville have recognized their obligation to not only obey the law, but to go beyond the minimum standards of behaviour and act in a manner that is of the highest ideals so that their conduct will bear the closest public scrutiny;

And whereas the private interest of elected officials of the Town of Whitchurch-Stouffville must not provide the potential for, or the appearance of, any opportunity for benefit, wrongdoing, or unethical conduct;

And whereas this Code of Conduct stems from the principles that not just employees but also elected officials should have a document against which to measure their conducts that they may be held to account;

Therefore be it resolved that the Council of the Town of Whitchurch-Stouffville adopt certain rules that further underscore a Member of Council's belief in his/her responsibility as a public trustee.

Commentary

The operation of democratic municipal government requires that elected officials be independent, impartial and duly responsible to the people. To this end, it is imperative that:

- The Town of Whitchurch-Stouffville decisions and policies be made through the proper processes of municipal government structure.
- Public office not be used for personal gain.
- The public have confidence in the integrity of its municipal government.

A written Code of Conduct protects the public interest and 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 the members must operate.

The public is entitled to expect the highest standards of conduct from the Members that it elects to local government. In turn, adherence to these standards will protect and enhance the Town of Whitchurch-Stouffville's reputation and integrity.

Framework and Interpretation

1. The Code of Conduct applies to the Mayor and all Members of Council. It is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out here. Commentary and examples used in this Code of Conduct are meant to be illustrative and not exhaustive. From time to time additional commentary and examples may be added to this document by the Integrity Commissioner, as she or he deems appropriate.
2. As long as all the facts known to the Member are disclosed to the Integrity Commissioner and there is no change to these facts, then the Member may rely on any written advice provided by the Integrity Commissioner.
3. Members of Council, Members of the public or Town staff seeking clarification of any part of this Code of Conduct should consult with the Integrity Commissioner.

Commentary

This Code of Conduct does not prohibit the activities in which Members of Council normally engage on behalf of constituents in accordance with applicable laws.

The Municipal Act is the primary source of regulation for municipalities and provides the basis for good governance within municipal government. There are other important documents that regulate the behaviour and conduct of Members. Clear and consistent written rules provide elected officials with confirmation that their actions adhere to the highest ideals of integrity during their term of office. This Code of Conduct operates together with and as a supplement to the following existing statutes, documents and policies governing the conduct of Members of Council.

Legislation

- The Municipal Act, 2001, S.O. Chapter 25 as amended;
- The Municipal Conflict of Interest Act;
- The Municipal Elections Act, 1996;
- The Municipal Freedom of Information and Protection of Privacy Act; and
- The Criminal Code of Canada.

Definitions

In the Code of Conduct, the term

1. “child”, “parent” and “spouse” have the same meanings as in the Municipal Conflict of Interest Act:
 - “child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;
 - “parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;
 - “spouse” means a person to whom the person is married or with whom the person is living with in a conjugal relationship outside marriage.
2. “Member” means a Member of the Town of Whitchurch-Stouffville Council.
3. “family member” means:
 - spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;
 - parent, including step-parent and legal guardian;
 - child, including step-child and grandchild;
 - siblings including children of siblings;
 - aunt/uncle, niece/nephew, first cousins;
 - in-laws, including mother/father, sister/brother, daughter/son;
 - any person who lives with the Member on a permanent basis.
4. “Official duties” or “functions” has the following meaning:
For Members of Council, it includes those activities that are reasonably related to a Member’s office, taking into consideration the different interests, the diverse profiles of their Wards and their different roles on Committees, agencies, boards and commissions.
5. “staff” includes Directors, Managers, Supervisors, Clerical and Technical unionized and non-unionized employees, hourly unionized and non-unionized staff, part-time unionized and non-unionized staff, temporary/seasonal staff, contract staff, students and volunteers.

Implementation

This Code of Conduct shall come into force and effect on 7th day of February, 2017.

Rule No. 1 – Key Principles

1.1 Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner.

Commentary on Rule 1.1

This underscores that Members' carry out their official Town activities in a way that will foster and enhance respect for government and above all, demonstrate respect for members of the public.

1.2 Members of Council should be committed to performing their functions with integrity and transparency.

Commentary on Rule 1.2

Responding to Inquiries from the Public

Whitchurch-Stouffville Council is committed to overseeing the provisions of responsive and accessible services including dealing with reasonable inquiries and requests for information in a timely manner. On occasion, an individual citizen may not be accepting of the response and may restate the inquiry in various ways, or may be rude or harassing in their delivery of the inquiry. There is a need to balance access to information against the need to protect the legitimate interests of the Town; the need to respect approved policies and procedures of the Town within civil and respectful discourse; and the need to respect the role of officers and employees of the municipality.

In addition, complaints regarding staff may be forwarded to the appropriate Director or the Chief Administrative Officer.

This Code does not require Members of Council to provide a response to an inquiry or request for information that is frivolous or vexatious, unreasonable or harassing.

For example:

- a) The Member of Council is of the opinion on reasonable grounds that the inquiry is made for a purpose other than to obtain information;
- b) The inquiry has been made more than once and is being used for the purpose of revisiting an issue that has been previously addressed;
- c) The inquiry is articulated in such a way that it can be considered harassing or abusive;
- d) The Member is of the opinion, on reasonable grounds that providing a response would interfere with the operations of the Town;
- e) The inquiry is not an inquiry but rather a complaint.

Communication labelled “Private” and/or “Confidential may be shared or disclosed as necessary or appropriate, taking into consideration the following:

- a) Information may be disclosed to appropriate staff in order to respond to the issue or concern being communicated;
- b) Information will not be treated as confidential where the communication was shared by the requestor or not made in a confidential manner (copied to others, or made in the presence of others);
- c) If the information is needed by an officer, employee consultant or agent of the Town who needs the information in the performance of her or his duties and if the information is necessary and proper in the discharge of the Town’s functions.

As public officials, Members of Council recognize the public’s right to reasonable access to information in relation to how decisions are made. This right of access includes the right of the public to receive complete and understandable information which must be balanced against the requirement to protect the legitimate interests of the Town and the respect for approved policies of the Town.

1.3 Members of Council shall avoid the improper use of the influence of their office, and conflicts of interest, both apparent and real. Members of Council shall not extend, in their discharge of their official duties, preferential treatment to family members, organizations or groups in which they or their family member have a pecuniary interest.

Commentary on Rule 1.3

As a result, Members of Council will have a common understanding that they will not participate in activities that grant, or appear to grant, any special consideration, treatment, or advantage to an individual which is not available to every other individual.

Members of Council recognize that their actions are governed by the Municipal Conflict of Interest Act (MCIA), and that, by virtue of the provisions of that statute, the Integrity Commissioner of the Town of Whitchurch-Stouffville has no authority to receive or investigate complaints regarding alleged contraventions under the MCIA.

1.4 Members of Council shall avoid any interest in any contact made by him/her in his/her official capacity and shall not contact the Town or any agency thereof for the sale and purchase of supplies, material or equipment or for the rental thereof.

1.5 Members of Council shall not engage in the management of a business carried on by a corporation nor profit directly or indirectly from a business, including but not limited to a corporation, that does business or has contracted with the Town of Whitchurch-Stouffville, or hold an office or directorship, unless holding the office or directorship is in a social club, religious organization, other charitable organization or corporation with shares directly or indirectly held by the municipality.

1.6 Approved exceptions:

A Member of Council may engage in an activity prohibited by Rule No. 1.5 if the following conditions are met:

- a) The Member has disclosed all material facts to the Integrity Commissioner;**
- b) The Integrity Commissioner is satisfied that the activity, as carried out in the specified manner, did not create a conflict between the Member's private interest and public duty;**
- c) The Integrity Commissioner has given the Member his or her approval and has specified the manner in which the Member of Council may remedy the situation; and**
- d) The Member remedies the situation in the manner specified by the Integrity Commissioner.**

Commentary on Rule 1.4, 1.5 and 1.6

Members of Council must adhere to the Town's purchasing policy and pay careful attention to the applicable expense policies. Examples of exceptions include, hospital boards and other not-for-profit organizations and charities.

1.7 Members of Council shall perform official duties and arrange their public affairs in a manner that promotes public confidence and respect and will bear close public scrutiny.

Commentary on Rule 1.7

Members of Council shall not participate in activities that grant, or appear to grant, any special consideration, treatment, or advantage to an individual which is not available to every other individual member of the public.

1.8 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 the Town Council.

Commentary on Rule 1.8

A number of the provisions of this Code incorporate policies, procedures and provisions adopted by Council and contained in various statutes. The provisions of this Code are intended to be applied in concert with existing legislation and go beyond the minimum standards of behaviour.

1.9 Members of Council shall fulfill their roles as set out in the Municipal Act (MA) and respect the role of staff in the administration of the business affairs of the Town of Whitchurch-Stouffville.

Commentary on Rule 1.9

Members of Council recognize that the decision-making authority for the municipality lies with Council, not an individual Member and that it is the role of the officers and employees of the municipality to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions. Members of Council recognize and respect the role of Town staff and affirm that only Council as a whole has the capacity to direct staff members. Council as a whole must be able to access information, on a need to know basis, in order to fulfill its decision-making duties and oversight responsibilities. Individual Members also recognize that the information that they receive as members of the decision making body of Council is subject to the confidentiality and disclosure rules of Provincial and Federal statutes and Town of Whitchurch-Stouffville by-laws.

- 1.10 a) A Member of Council who is subjected to an Integrity Commissioner complaint under Part A (Informal Complaint Procedure) or Part B (Formal Complaint Procedure) under this Protocol may charge against the Member's office budget the actual legal expense incurred for consultation with a lawyer up to \$700.**
- 1.10 b) A Member of Council who is the subject of an Integrity Commissioner complaint investigation* under this Protocol may be reimbursed for actual and reasonable expenses incurred for consultation with a lawyer of up to \$10,000., where it is determined that there has been no contravention of the Code of Conduct by the Member.**

*An Integrity Commissioner complaint investigation begins when the Integrity Commissioner opens a case file and gives notice of the same to the Member of Council subject to the formal complaint.

- 1.11 Town Administrative Policies, as amended from time to time and set out in Schedule “A” to the Code, form part of the Code.**

Rule No. 2 – Gifts and Benefits

- 2.1 No Member shall accept a fee, advance, gift, loan, or personal benefit that is connected directly or indirectly with the performance of his or her duties of Office, except as specifically contemplated.**

For these purposes, a fee or advance paid to or a gift or benefit provided with the Member’s knowledge to a Member’s spouse, child, or parent, or to a Member’s staff that is connected directly or indirectly to the performance of the Member’s duties is deemed to be a gift to that Member. The following are recognized as exceptions:

- a) Compensation authorized by law;**
- b) Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;**
- c) A political contribution otherwise reported by law;**
- d) Services provided without compensation by persons, volunteering their time to a Member;**
- e) A suitable memento of a function honouring the Member (i.e. a trinket or favour of relatively little monetary value such as pen, notepad, t-shirts);**
- f) Food, lodging, transportation and entertainment provided by Provincial, Regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity at an official event;**

(for greater clarity of Rule 2.1f), where Council has authorized or endorsed an initiative or event, this would be considered an official event.)

- g) Food and beverages consumed at banquets, receptions or similar events, for charitable, not for profit and community purposes, if:
 - o Attendance serves a legitimate public duty purpose; and**
 - o The value is reasonable and the invitation infrequent.****
- h) Business meals;**
- i) Communication to the offices of a Member, including subscriptions to newspapers and periodicals related to the duties of the Office;**
- j) Sponsorships and donations for community events or initiatives organized or run by a Member or a third party on behalf of a Member where Council has authorized or endorsed the event or initiative.**

(for greater clarity of Rule 2.1j), for Member-organized community events or initiatives, Members should be transparent in their dealings with the public and should not handle any funds on behalf of any organizations and should remain at arm's length from the financial aspects of these events and initiatives.)

Rule 2.1j) does not affect the entitlement of Members of Council to:

- i. Urge constituents, businesses and other groups to support community events put on by others in the Town;
- ii. Play an advisory or membership role in any organization that holds community events in the Town; and
- iii. Collaborate with the Town of Whitchurch-Stouffville and its agencies to hold community events.

Members are strongly encouraged to list all gifts and benefits they receive.

However, in the case of categories 2.1b), 2.1e), 2.1f), 2.1g), 2.1h) and 2.1i) where the value of the gift or benefit exceeds \$500, or if the total value received from any one source during the course of a calendar year exceeds \$500, the member shall within thirty (30) days of receipt of the gift or reaching the annual limit, list the gift or benefit on a Council Information Statement, the form of which will be prescribed by the Integrity Commissioner.

The Integrity Commissioner shall, without notice, examine from time to time the Council Information Statement to ascertain whether the receipt of a gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the Member.

In the event that the Integrity Commissioner makes the preliminary determination, he/she shall call upon the Member to justify receipt of the gift or benefit. Should the Integrity Commissioner determine that receipt was inappropriate, he/she may direct the Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the Town or Town agency, board or commission.

Each Member shall file a copy of their Council Information Statement with the office of the Clerk on a quarterly basis (the first quarter being April 30th of the calendar year) and the statements shall be a matter of public record.

Commentary on Rule 2.1

Gifts and benefits are often received by Members in the course of their duties, and attendance at public functions is expected and considered part of their role. The object of this rule is to provide transparency around the receipt of incidental gifts and benefits, where the total value may be perceived as potentially influencing decision making.

Personal integrity and sound business practices require that relationships with vendors, contractors, or others doing business with the Town, be such that no Member of Council is perceived as showing favoritism or bias towards the vendor, contractor or other. Each Member of Council is accountable to the public and should keep a list of all gifts received from individuals, firms or associations (with estimated values) in their constituency offices for review by the Integrity Commissioner, as he/she deems appropriate. However, those gifts or benefits that exceed \$500 or the annual limit of \$500 for one source, shall be kept on a form prescribed by the Integrity Commissioner and filed with the office of the Clerk on a quarterly basis.

Gifts that are subject to listing on the Council Information Statement can be any types of things, and may include:

- a) Property (i.e. a book, flowers, a gift basket, a painting or a sculpture, furniture, wine);
- b) Use of property or facilities (i.e. a vehicle, an office, a cottage) at a reduced rate or at no cost;
- c) Membership in a club or other organization (i.e. a golf club) at a reduced rate or at no cost;
- d) An invitation to and/or tickets to attend an event (i.e. an athletic commercial event, concert, a play) at a reduced rate or at no cost;
- e) An invitation to attend a gala or fund-raising event at a reduced rate or at no cost.

An invitation to attend a function where the invitation is connected directly or indirectly with the performance of the Member's duties of Office (i.e. for which the public office holder has a ceremonial, presentational or representational official role) is not considered to be a gift. Attendance is considered to be the fulfillment of an official function or duty.

There are a range of expenses that support a Member of Council's role in community development and engagement activities, which can be reimbursed from the Council's budget. However, gaming tickets during charitable functions, such as raffle tickets, table prize tickets, etc. should not be eligible for reimbursement.

2.2 Expenses incurred by Members of Council working during normal meal periods serve a legitimate public duty purpose, provided that the expense incurred are reasonable and appropriate in the circumstances. Reasonable and appropriate expenses are those that:

- a) **Are incurred for an official duty or function;**
- b) **Are modest, representing a prudent use of public funds; and**
- c) **Do not involve alcoholic beverages.**

In general, working meals are to be provided in-house.

Commentary on Rule 2.2

Rule 2.2 must be considered with and balance against the principle contained in expense policies in all Ontario municipalities, which is that Members are entitled to be reimbursed for expenses that are legitimate and appropriately incurred for an official duty or function and which are reasonable and prudent expenses and use of public funds in the circumstances. In making a determination of what constitutes a modest and prudent use of public funds, Members should consider the dollar amount and parameters set out in the administrative policies on Schedule "A" which forms part of the Code.

Given the heavy demand on Members' schedules in the performance of their duties and functions, there are legitimate circumstances that require business meetings over a meal period and result in the Member working through his/her normal meal periods.

For persons employed in the office of Members, it includes those activities and responsibilities that flow from acting on direction from or taking action on behalf of a member.

As representatives of the municipal government, Members will be expected or required to extend hospitality to external parties as part of their official duties and functions. It is legitimate for Members to incur hospitality expenses for meetings, examples of which include:

- a) Engaging representatives of other levels of government, international delegations or visitors, the broader public sector, business contacts and other third parties in discussions on official matters;
- b) Providing persons from national, international and charitable organizations with an understanding and appreciation of the Town of Whitchurch-Stouffville or the workings of its municipal government;
- c) Honouring persons from Whitchurch-Stouffville in recognition of exceptional public service.

This Code recognizes that Members of Council will be reimbursed or have their Council's budgets charged for expenses that are incurred while extending hospitality to an external party, including hospitality that takes place in the course of travelling on a duty or function or a Member of Council provides the expenses are reasonable and appropriate in the circumstances.

Reasonable and appropriate expenses are expenses that strike a balance between economy (the expenses represent a prudent use of public funds) and proportionality (the expenses represent what is customary or such functions).

Wherever possible, Members of Council should utilize Town-owned facilities and resources that are appropriate to the function.

2.3 This Code recognizes that as community leaders, Members of Council may lend their support to and encourage, community donations to registered charitable and not-for-profit groups. Monies raised through fundraising efforts shall go directly to the groups or volunteers and chapters acting as local organizers of the group. This Code recognizes the important work of Members of Council in supporting charitable causes and the need for transparency in Members' involvement.

This Code sets the following guiding principles for Members of Council:

- a) Members of Council should not directly or indirectly manage or control any monies received relating to charitable organization's fundraising.**
- b) A Member of Council or a third party acting on behalf of the Member shall neither solicit nor accept support in any form from an individual, group or corporation with any pending planning, conversion, or demolition variance application before Town of Whitchurch-Stouffville Council.**
- c) With reference to Member organized Community Events, Members of Council must report to the Integrity Commissioner, the names of all donors and the value of their donation that supplement the event.**
- d) Where a Member of Council sponsors and/or lends support to a charitable organization's event, this Code recognizes that all donations are subject of the Code of Conduct.**
- e) No donation cheques should be made out to a Member of Council.**

Nothing included herein affects the entitlement of Members of Council to:

- i) Urge constituents, businesses and other groups to support community events and advance the needs of a charitable organization put on by others in the Member's Ward or elsewhere in the Town;**
- ii) Play an advisory or Membership role in any organization holds community events in the Town; and**

- iii) **Collaborate with the Town and its agencies to hold community events.**
- iv) **Members of Council should not handle and funds on behalf of any charitable organization or community group and should remain at arm's length from the financial aspects of these community and external events.**

Rule No. 3 – Confidential Information

- 3.1 **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.**
- 3.2 **No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.**
- 3.3 **No Member shall directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of Town property or assets.**
- 3.4 **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.**
- 3.5 **No Member shall permit any person other than those who are entitled thereto to have access to information that is confidential.**
- 3.6 **No Member shall access or attempt to gain access to confidential information in the custody of the Town unless it is necessary for the performance of their duties and not prohibited by Council policy.**

Commentary on Rule No. 3

Confidential information includes information in the possession of the Town that the Town is either prohibited from disclosing, or is required to refuse to disclose, such as under Access and Privacy legislation. Such legislation imposes mandatory or discretionary restrictions on disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, personal information about an individual disclosure of which would constitute an unjustified invasion of privacy, and information that is subject to solicitor-client privilege. Where it is clear that a communication was not made in a confidential manner (i.e. copied to others, or made in

the presence of others) or the manner of the communication undermines the validity of labelling it “confidential”, such communication will not be given any higher level of confidentiality than any other communication. The words “privileged”, “confidential”, or “private” will not be understood to preclude the appropriate sharing of the communication for the limited purpose of reviewing, responding, or looking into the subject matter of the communication.

For the purposes of the Code of Conduct, “confidential information” may also include information that concerns personnel, labour relations, litigation, property acquisitions, the security of the property of the Town or a local board, and matters authorized in other legislation, to remain confidential.

Under the Procedural By-law, a matter that has been legitimately discussed at an in-camera (closed) meeting remains confidential, until such time as a condition renders the matter public.

Requests for information should be referred to appropriate staff 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.

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

- a) The security of the property of the municipality or local board;
- b) Personal information about an identifiable individual, including municipal or local body employees;
- c) A proposed or pending acquisition or disposition of land by the municipality or local board;
- d) Labour relations or employee negotiations
- e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- f) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g) A matter under another Act;
- h) Items under contract negotiation;
- i) Price schedules in contract tenders or Request for Proposal submissions;
- j) Statistical data required by law not to be released (i.e. certain census or assessment data).

Rule No. 4 – Use of Town Property, Services and Other Resources

No Member shall use for personal purposes any Town property, equipment, services, supplies or services of consequence (for example, agency, board, commission or Town-owned materials, websites, board or Town transportation delivery services, and any Members’ budgets) other than for purposes connected

with the discharge of Town duties, which may include activities within the Member's office of which Town Council has been advised.

No Member shall obtain financial gain from the use of Town developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the Town of Whitchurch-Stouffville.

No Member shall use information gained in the execution of his/her duties that is not available to the general public for any purpose other than his/her official duties.

Commentary on Rule 4

Members, by virtue of their positions, have access to a wide variety of property, equipment, services and supplies to assist them in the conduct of their Town duties as public officials. This privilege should not be seen to be abused. In recognition that members are held to a higher standard of behaviour and conduct, members should not use such property for any purpose other than for carrying out their official duties.

During election campaigns, refer to Rule No. 5 and 7.

Rule No. 5 – Election Campaign Work

5.1 Members are required to follow the provisions of the Municipal Elections Act, 1996 (as amended).

Commentary on Rule 5.1

Although the Integrity Commissioner of the Town of Whitchurch-Stouffville does not have jurisdiction to receive or investigate complaints regarding alleged contraventions of the Municipal Elections Act (MEA), the Integrity Commissioner shall forward any information regarding a potential breach of the MEA by a Member of Council directly to the Clerk.

5.2 No Member shall use the facilities, equipment, supplies, services, or other resources of the Town of Whitchurch-Stouffville for any election campaign or campaign-related activities without paying all applicable fees.

5.3 No Member shall use the services of persons for campaign related activities during hours in which those persons receive any compensation from the Town.

Rule No. 6 – Business Relations

- 6.1 No Member shall borrow money from any person who regularly does business with the Town unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.**
- 6.2 No Member shall act as a paid agent before Council or a committee of Council or any agency, board, or committee of the Town.**
- 6.3 No Member shall refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.**

Commentary on Rule 6

Members of Council are mindful to avoid any activity that may give rise to consideration of personal gain as a result of holding public office.

Rule No. 7 – Improper Use of Influence

- 7.1 No Member of Council shall use the influence of his/her office for any purpose other than the exercise of his/her official duties.**

Commentary on Rule 7

The Chief Administrative Officer directs Directors, who in turn, direct Town staff. Council, and not individual Members of Council, gives direction to the Town administration through a Resolution of Council at a Council Meeting.

Rule No. 8 – Conduct at Council

- 8.1 Members shall conduct themselves at Council with decorum. Respect for Delegates/ Speakers and for fellow Members and staff requires that all Members show courtesy and not distract from the business of the Council during representations and when other Members have the floor.**

Commentary on Rule 8

A Member of Council recognizes the importance of cooperation and strives to create an atmosphere during Council and Committee meetings that is conducive to solving the issues before Council, listening to various points of view and using respectful language and behaviour in relation to all those in attendance.

Rule No. 9 – Transparency & Openness in Decision Making and Member’s Duties

9.1 Members shall endeavour to conduct and convey Council business and all their duties in an open and transparent manner other than for those decisions which by virtue of legislation are authorized to be dealt with in a confidential manner in closed session, so that stakeholders can view the process and rationale which was used to reach decisions, and the reasons for taking certain actions.

Commentary on Rule 9

Various statutes, Town by-laws, policies and procedures, as well as, decisions of courts and quasi-judicial tribunals form the basis of decisions made by Council. Unless prohibited by legislation or by-law, Members of Council should clearly identify to the public how a decision was reached and upon which law, procedure and policy their decision was based.

Rule No. 10 – Media Communications

10.1 Members of Council will accurately communicate the decisions of the Town of Whitchurch-Stouffville Council, even if they disagree with the majority decision of Council so that there is respect for and integrity in the decision making process of Council.

Commentary on Rule 10

A Member of Council may state that he/she did not support a decision, or voted against the decision. A Member should refrain from making disparaging comments about Members of Council and Council’s processes and decisions.

Rule No. 11 – Representing the Town of Whitchurch-Stouffville

11.1 Members shall make every effort to participate diligently in the activities of the Committees, agencies, boards, commissions and advisory committees to which they are appointed.

Commentary on Rule 11

Individual Members of Council are appointed to committees, agencies, boards and commissions based on their various backgrounds and abilities to contribute diligently to matters before them bringing their expertise and experience.

Given that Council and committee meetings are scheduled far in advance to accommodate the many activities of elected office of a Member of Council, to participate diligently means that a Member shall not be absent from Council, agencies, boards and commission meetings without reasonable justification (i.e. illness of members, family circumstances) for more than three consecutive scheduled meetings or on a regular basis.

Rule No. 12 – Conduct Respecting Current and Prospective Employment

12.1 No Member of Council shall allow the prospect of his/her future employment by a person or entity to detrimentally affect the performance of his/her duties to the Town.

Rule No. 13 – Encouragement of Respect for the Town and its By-laws

13.1 Members of Council shall encourage public respect for the Town and its by-laws.

Commentary on Rule 13

A Member of Council must not denigrate a Town by-law in responding to a citizen, as this undermines confidence in the Town and the rule of law.

Rule No. 14 – Harassment

14.1 Members of Council shall be governed by the Town’s Harassment and Discrimination Free Workplace and Violence Free Workplace Policies.

14.2 Harassment of a Member by another Member is misconduct.

14.3 Harassment of staff or any member of the public is misconduct.

14.4 Upon receipt of a complaint that relates to Rule No. 14, the Integrity Commissioner shall forward the information subject to the complaint to Human Resources who will refer it to an independent investigator.

Commentary on Rule 14

It is the policy of the Town of Whitchurch-Stouffville that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

The Town's Harassment and Discrimination Free Workplace and Violence Free Workplace Policies ensure a safe and respectful workplace environment and appropriate management of any occurrences of harassment and discrimination as defined by the policies.

The Town's policies applies to Members of Council and will provide guidance to the independent investigator. Upon receipt of the findings of the independent investigator, the Integrity Commissioner shall utilize the investigator's findings to make a determination on the application of the Code of Conduct and the merits to an investigation on the ethical conduct of the Member of Council subject to the complaint.

Rule No. 15 – Discreditable Conduct

15.1 Members of Council shall conduct themselves with appropriate decorum at all times.

Commentary on Rule 15

As leaders in the community, Members are held to a higher standard of behaviour and conduct and accordingly their behaviour should be exemplary.

Rule No. 16 – Conduct Respecting Staff

16.1 No Member of Council shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.

16.2 No Member of Council shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.

16.3 Members of Council shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual Member or faction of the Council.

16.4 No Member of Council shall maliciously or falsely impugn or 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 Town.

Commentary on Rule 16

Members of Council should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions.

Members of Council must recognize that only Council as a whole has the capacity to direct staff members to carry out specific tasks or functions as provided in the Municipal Act. The Administration, under the direction of the Chief Administrative Officer, serves the Council as a whole, and the combined interests of all members as expressed through the resolutions of Council. An individual Member should not request staff to undertake extensive work or prepare lengthy reports, other than pursuant to a Council direction.

It is inappropriate for a Member to attempt to influence staff to circumvent normal processes in a matter, or overlook deficiencies in a file or application. It is also inappropriate for Members to involve themselves in matters of administration or departmental management which fall within the jurisdiction of the Chief Administrative Officer. Any such attempts should be reported to the Integrity Commissioner.

Rule No. 17 – Employment of Council Relatives/Family Members

- 17.1 No Member of Council shall attempt to influence the outcome, or to influence any Town employee to hire or promote a Member of Council's family.**
- 17.2 No Member of Council shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any member of his/her family.**
- 17.3 No Member of Council shall supervise a family member, or be placed in a position of influence over a family member.**
- 17.4 Every Member of Council shall adhere to the Town's nepotism policy.**

Commentary on Rule 17

If a family member of a Member of Council is an applicant for employment with the Town or candidate for promotion or transfer, the family member will proceed through the usual selection process pursuant to the Town's hiring policies, with no special consideration.

Rule No. 18 – Failure to Adhere to Council Policies and Procedures

18.1 Members of Council shall adhere to such by-laws, policies and procedures adopted by Council that are applicable to them.

Commentary on Rule 18

A number of the provisions of the Code of Conduct incorporates policies and procedures adopted by Council. More generally, Members of Council are required to observe the terms of all policies and procedures established by Council.

This provision does not prevent a Member of Council from requesting that Council grant an exemption from a policy.

Rule No. 19 – Reprisals and Obstruction

19.1 No Member of Council shall obstruct the Integrity Commissioner in the carrying out of his/her responsibilities.

19.2 No Member of Council shall threaten or undertake an act of reprisal against a person initiating an inquiry or complaint under the Code of Conduct or who provides information to the Integrity Commissioner in any investigation.

Commentary on Rule 19

Members of Council should respect the intent of the Code of Conduct and investigations conducted under it. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner in the carrying out of his/her responsibilities, as, for example, by the destruction of documents or the erasing of electronic communications or refusing to respond in writing to a formal complaint lodged pursuant to the Complaint Protocol passed by Council.

Rule No. 20 – Compliance with the Code of Conduct

20.1 Upon receipt of the Integrity Commissioner's recommendations, Council may impose either the following two penalties where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the Code of Conduct:

- a) A reprimand; or
- b) Suspension of the remuneration paid to the Member in respect of his/her services as a Member of Council or the local board, as the case may be, for a period of up to ninety (90) days.

20.2 The Integrity Commissioner may also recommend that Council take the following actions:

- a) Removal from membership of a committee.**
- b) Removal as Chair of a committee.**
- c) Repayment or reimbursement of moneys received.**
- d) Return of property or reimbursement of its value.**
- e) A written and/or verbal request for an apology to Council, the complainant, or both.**

Commentary on Rule 20

Members of Council are accountable to the public through the election process. Between elections they may, for example, become disqualified and lose their seat if convicted of an offence under the Criminal Code of Canada or for failing to declare a conflict of personal interest under the Municipal Conflict of Interest Act.

In addition, the Municipal Act, 2001 authorizes Council to impose either of two penalties on a Member of Council following a report by the Integrity Commissioner that, in his/her opinion, there has been a violation of the Code of Conduct.

Rule No. 21 – Implementation

- 21.1 Council Members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis or when so requested by Council.**
- 21.2 At the beginning of each term, Members of Council will be expected to sign two copies of the Code of Conduct.**
- 21.3 At the beginning of each term, each Member of Council shall meet with the Integrity Commissioner.**
- 21.4 At the beginning of each term, each Member of Council shall file an explanatory statement of all community organizations in which they participate, in the form provided by the Integrity Commissioner, within sixty (60) days of being elected or appointed. Thereafter, each Member of Council shall file or update their disclosure statement, once in every calendar year on the date established by the Commissioner.**
- 21.5 Members of Council and the public should not assume that any unethical activities not covered by or not specifically prohibited by these ethical standards or conduct, or by any legislation, are therefore condoned.**

Commentary on Rule 21

At the beginning of each term, Members of Council will be expected to sign two copies of the Code of Conduct (one for themselves and one for the Clerk's Office) to convey to each other and all stakeholders that they have read, understand and accept it.

A Code of Conduct component will be included as part of the orientation workshop for each new Council.

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

Signature of Member

Date

Schedule “A” to Council Code of Conduct

Administrative Policies

Employment of Relatives..... Policy Number 22

Confidentiality..... Policy Number 37

Conflict of Interest Policy Number 38

Council/Staff Communications Policy Number 39

Harassment and Discrimination Free Workplace Policy Number 42

Councillor’s Expenses for Newsletters and Conferences/Seminars Policy Number 54

Media Relations Policy Number 56

Accountability and Transparency Policy Number 59

Violence Free Workplace Policy Number 63

Personal Use of Social Media Policy Number 65

Use of Corporate Resources and Communications
during Election Years Policy Number 66