

February 11, 2016

CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES – 2016-05

TO: Mayor Van Bynen and Members of Council

SUBJECT: Draft Code of Conduct for Members of Council

ORIGIN: Legislative Services

RECOMMENDATIONS

a) THAT Corporate Services Report – Legislative Services – 2016-05 dated February 11, 2016 regarding “Draft Code of Conduct for Members of Council” be received and the following recommendations be adopted:

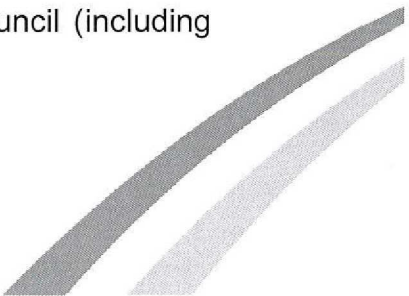
i) THAT Council approve the draft Code of Conduct for Members of Council (attached as Appendix B);

ii) AND THAT subject to further Council direction, a By-law establishing a Code of Conduct for Members of Council be considered at the February 29, 2016 Council meeting;

iii) AND THAT in addition to general public notice, individuals who previously provided input on the Code, and where contact information is available, be notified directly.

PURPOSE

The purpose of this report is to:

- Provide additional information requested at the January 18, 2016 Special Committee of the Whole including previous Integrity Commissioner expenses and supplementary feedback from the Town’s consultant EthicScan; and,
 - Recommend a draft Council Code of Conduct for Members of Council (including options).
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BACKGROUND

At the January 18, 2016 Special Committee of the Whole, staff presented a draft Council Code of Conduct based on best practices, legal advice and considerations raised during the extensive Code review process, with the support of the Town's consultant, David Nitkin of EthicScan Consulting. The purpose of this meeting was to give Council and the public an opportunity to provide feedback and comments regarding the draft Code.

Council provided feedback and comments, a public deputation was received and subsequently, one email from a member of the public was received providing feedback.

ADDITIONAL INFORMATION REQUESTED

Integrity Commissioner Expenses

Council requested that staff provide the total expenses related to the Integrity Commissioner from previous years. The following is a breakdown of those expenses to date:

Year	Investigations/Invoices	Total Expenses
2013	1 – investigation commenced in 2012 and concluded in 2013 1 – investigation commenced and concluded in 2013	\$10,447.20
2014	1 – investigation commenced, ongoing in 2015	No invoice in 2014
2015	1 – ongoing investigation concluded in 2015 1 – IC Invoices re: draft Code review	\$4,276.68

EthicScan Supplemental Report

Council requested that the Town's consultant, David Nitkin of EthicScan Consulting provide an assessment of the recommended draft Code. Mr. Nitkin provided a grade A in relation to the current draft Code with respect to meeting Council's current needs and recent history, and a B minus in comparison to best practices in other municipal Codes. Mr. Nitkin was requested to provide best practice options that would enhance the Code and increase the scoring in this area.

The EthicScan Supplemental Report is attached as Appendix A. The purpose of this report is to provide a selection of initiatives that may improve the Code's best practice grading. As noted in the Supplemental Report, the grades are subjective and the assessment is based on ethics, not necessarily recommended or subsequent legal advice considered by staff. While it can be argued that legal compliance is not ethics, staff has sought a balanced approach in preparing the current draft Code to ensure there is enforceability to support expectations. The current draft Code has been reviewed by the Integrity Commissioner (IC).

As part of the Code review process it was also highlighted by the consultant that not everything can be, or should be included in a Code of Conduct, and alternative means for providing guidance to Members such as corporate policy is considered acceptable practice.

The following is staff comments related to the actionable initiatives that have been included or excluded from the draft Code, or addressed by other means:

	Initiative and Consultant's Points	Staff Comments
1	Apply code to spouses, family members and business partners (3)	The Municipal Act does not apply to spouses, family members and business partners; therefore, cannot be enforced if included in the Code (n/a)
2	Apply provisions to other agencies, boards and commissions (1)	Not included in Code – included in Committee Administration Policy (1)
3	Address non pecuniary conflicts (2.5)	Not included in Code and may be addressed in new legislation (n/a)
4	Outright ban on all gifts (3)	Included in Code as recommended (3)
5	Establish a routine gifts registry (1.5)	If no gift permitted, no gift registry required (n/a)
6	Allow Member to Member complaints (3)	Included in Code as recommended (3)
7	Disallow complaints during election period (2)	Not included in Code as IC can dismiss politically motivated complaints, allowing complaints with merit to be heard at any time (n/a)
8	Specify more specific service timetable warranties at all stages of normal complaint process (2)	Current text sets out clear timeframes for complaints and services level expectations (2)
9	Develop and apply "integrity test" for all staff and/or elected officials on recognizing and dealing with ethical dilemmas (3)	Not included in Code. Process to provide guidance to Members and is not intended to be part of the Code (n/a)
10	Allow IC to provide advice on Municipal Conflicts of Interest (2.5)	Provision in Code to disallow IC advice to Members on Municipal Conflict of Interest. Legal opinion provided stating that giving of such advice is outside IC's jurisdiction. Approach supported by current IC (n/a)
11	Provide more clarity on process of accepting and resolving informal complaints (2.5)	Not included in Code. Draft Code ensures complaints are dealt with confidentially and at arms-length from the municipality (n/a)
12	Ensure IC's report not be made public (1)	Not included in Code. It is a legislated requirement under the Municipal Act for the IC's report to be made public. The complainant's information is not included in the report (n/a)

13	Allow IC to provide progressive appropriate disciplinary or sanction recommendations in spirit of the law (2.5)	Not included in the Code. Case law has not determined the precise scope of permissible remedial measures. Legal advice provided that additional penalties could be found outside the jurisdiction of the Town to impose. Does not prevent IC from including additional penalty recommendations and is not required to be included in Code (n/a)
14	Provide individual sign-off/attestation of having read and agreed to terms of code which is common in virtually all codes (2.5)	Included in Code. Although not considered a substantive matter, the recommendation can be easily implemented (2.5)
15	Implement an Ethics Q and A Manual as the kind of decision-making guidance or helpful educational resource that grows as needed (0)	Not included in Code – alternate option recommended. Future opportunities and measures in support of an informal program of ongoing ethics education and guidance to Members of Council will be considered by staff in consultation with the IC (2.5)
16	Establish a formal Lobbyist Registry (2.5)	Not included in Code – alternate option recommended. Municipalities may adopt lobbying measures for specific circumstances such as large dollar value procurement of goods and services. Town will continue this practice as required (2.5)
17	Mandate lobbyists with responsibility to disclose local lobbyist activity (2.5)	Not included in Code. No jurisdiction to mandate lobbyists within Code (n/a)
18	Provide a stronger clarity and differentiation between use of allowable resources between community (ward), charitable and political activity (1.5)	Included in Code. Definition has been included for Community Groups and Organizations and clearer wording has been provided in Code in relation to use of resources. Alternate option - policies will also be amended to provide clearer guidance regarding use of corporate resources during elections (1.5)
19	Implement an ongoing Transparency and Accountability Committee of Council (2.5)	Not included in Code – alternate option recommended. Policies and practices related to accountability and transparency are brought forward to Council as a whole through Committee of the Whole and Council with an opportunity for public input. Council direction would be required to consider such a Committee (2.5)

Staff may not agree with the consultant's grading and points system as some items cannot be included in the Code or are not meant to be part of a Code and better suited in policy or other means. Staff have allocated points to the areas where the Town has addressed the initiative in the Code or through other avenues and have scored a 20.5 or a new Grade of A minus.

DRAFT COUNCIL CODE OF CONDUCT

An amended draft Code of Conduct for Members of Council is attached as Appendix B. Recommended changes or sections where options have been presented are highlighted and noted in boxes within the draft Code. In addition a number of editorial changes/housekeeping revisions have been made to clarify or strengthen wording with the same intent.

Review of Amendments

Definitions

Cash and fees have been removed from the definition of gifts. This definition should be considered with Options in Section 8. A definition has also been included for community groups and organizations which includes registered charities, non-profit organizations and other groups. Additionally, it is recommended that the municipal election period definition be removed if Section 16.2 is removed from the draft Code.

New Section Recommended – Transparency and Openness in Decision Making

This section is recommended to provide specific guidance to Members related to the decision making process, notice and transparency requirements of specific legislation.

Section 5 – Access to Information and Confidentiality

Section 5.1 (c) is included in order to inform Members of their responsibility to maintain confidentiality. A complaint regarding a Member who is no longer in office can be filed, investigated, and reported to Council. While the typical options for penalties may not apply, the report would be acknowledged, and serve as an educational tool. Council also has the option of pursuing legal action should they determine the Member's conduct or actions warrant it, in addition to other legal considerations.

Recommended amendments to Section 5.1 and 5.2 include:

- 5.1(a) wording amended to provide clarification that Members have rights to access information that is relevant to their role as Members of Council;
- 5.2 (b) and (c) wording amended to include the disclosure of information via social media by a Member or by providing information to another person.

These amendments were previously listed under Section 14 – Social Media.

Section 6 – Undue Use of Influence

Section 6.1 referencing the Municipal Conflict of Interest Act has been removed as it is included under Section 16.3 and is not enforceable under a Code of Conduct. Section 6.2 has been amended to reflect the concept that Members should not use their position to improperly influence for a private advantage. This undertakes to provide direction concerning apparent conflicts of interest that are non-pecuniary in nature.

Section 7.2 – Staff Relations

Recommended wording has been provided to clarify the expectations and process for Members providing concerns related to staff performance.

Section 8 – Gifts

Options have been provided in this section in accordance with Council discussion and further public feedback.

Option1: Recommended - No gifts allowed

As Section 8.3 provides an extensive list of exemptions, this option will restrict Members from receiving any gifts except in the specific situations outlined. If this wording is selected it should be adopted in conjunction with the original definition of “gifts” presented.

Option 2: Alternative – limit of \$200 and no cash

This restricts the type of gifts that can be accepted and limits them to a value of less than \$200.00. If selected this wording should be accompanied by the new definition of “gifts” recommended. All gifts as defined in the new definition must meet one of the exceptions in Section 8.3. The new definition removes cash and fees as allowable gifts which is reinforced in Section 8.1.

Section 10 – Political Activity

This section makes Members aware that they have an obligation to be transparent in all political activity including provincially and federally. Clarification was provided to specifically state that Members may not use Town resources for political activity. This will be further addressed in amendments to “Use of Corporate Resources and Election Activities Policy” to come forward at a future Committee of the Whole meeting.

Section 11- Participation in Community Groups and Organizations and Their Events

Recommended wording in Section 11.1 has been amended to provide a framework for the types of activities Members are permitted to participate in and includes use of corporate resources. Section 11.2 has been amended to address rules that Members must follow when establishing a fundraising event in their name, using corporate resources to support that event, and ethical standards to follow.

Section 14 – Social Media

Section 14.1(a) has been amended to reflect the incorporation of disclosure of information via social media into section 5.2. Section 14.2 has been amended to provide similar wording as noted in the Procedure By-law.

Section 16 – Complaint Process

The recommended option in 16.1 permits Member to Member complaints as is the practice in place in most municipalities. The alternate option prohibits Member to Member complaints (with clarified wording) and is in keeping with previous Council direction.

Section 16.1(c) states that the complaint shall have taken place within six (6) months of filing such with the Integrity Commissioner. There is no legislation that stipulates a timeframe or a limitation for complaints. Council adopted the six (6) month timeframe as part of the interim complaint process.

Section 16.2 is recommended to be removed. There is no standard approach to how complaints are received during elections. The purpose of placing a restriction is to remove the politicization of the complaint process during that time period. The IC may, however, dismiss any complaint that is filed which he or she determines is without merit. Additionally, there is public interest in permitting valid complaints to proceed with a report from the IC before an election.

Section 16.3 has been amended to provide plain language wording related to the Integrity Commissioner's jurisdiction. Section 16.3(iv) has been added to provide for investigation requirements under the Municipal Elections Act, 1996.

Section 16.8 has not been amended, however staff have received advice from the IC related to whether a Member would be in conflict when corresponding with the IC related to a complaint about the Member. The current IC (also a lawyer having provided substantive advice on the Municipal Conflict of Interest Act to Members of Council across Ontario) has advised that there is no potential conflict until such time an IC renders a decision and makes a recommendation to Council at a meeting.

Future Review of Code

This is not recommended to be included as part of the Code, however the review will be an ongoing process. The IC will provide feedback whether through the complaint reports or through the annual report. Additionally, changes to legislation will be monitored and the Code will be updated as required. At a minimum, as a best practice, the Code should be reviewed at the commencement of a new term of Council.

Next Steps

- By-law establishing a Code of Conduct for Members of Council to be adopted at the February 29, 2016 Council meeting;
- Applicable policy amendments to be brought forward in Q2, 2016;
- Council to consider creating an Accountability and Transparency Committee - Council to provide direction as part of future committee review;
- Develop an informal program of ongoing ethics education and guidance to Members of Council; and,

- Council to consider measures which respond to lobbying of Member of Council – lobbying measures for specific circumstances such as large dollar value procurement of goods and services will continue as required.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

A Council Code of Conduct relates to the Well-equipped and managed link of the Town's Community vision – implementing policy and processes that reflect sound and accountable governance.

CONSULTATION

In addition to public consultation, staff also consulted with Council, an external expert legal advisor, Mr. David Nitkin, the Town's Integrity Commissioner and various senior staff.

HUMAN RESOURCE CONSIDERATIONS

There are no human resource considerations associated with this report.

BUDGET IMPACT

An amount of \$10,000.00 has been included in the 2016 budget for the Integrity Commissioner fees. Staff will continue to monitor and review this line item and advise Council should any changes to the level of funding be required. Any unallocated funds will be carried forward in a reserve to assist in offsetting potential costs in future years.

CONTACT

For more information on this report, contact Lisa Lyons, Deputy Town Clerk at 905 953-5300, extension 2203 or by email at llyons@newmarket.ca



Lisa Lyons
Deputy Town Clerk



Andrew Brouwer
Director of Legislative Services/Town Clerk



Anita Moore,
Commissioner of Corporate Services



21 January 2016

Supplemental Report

Background and Introduction:

During the Town of Newmarket Council meeting on January 18, 2016, an updated code for elected Members was presented for Council's review, discussion and subsequent acceptance. As a presenter, David Nitkin on behalf of EthicScan was asked to assess the current recommended code, both in terms of its meeting Council's current needs and recent history (a grade "A") and in comparison to best practices throughout other municipalities who have such a document (a grade "B minus"). While these grades are subjective, Council wanted some insight about the Consultant's thoughts on ways to enhance the Code to reflect best practices. This is that Report.

Assumptions:

1. This assessment is based on EthicScan's knowledge and working with some 60 codes in other municipal jurisdictions, but the assessment is subjective. There is no normative or model code in Ontario although EthicScan has a Best Practices Model that was used in the process of assisting in the development of this draft code.
2. These are comments of an ethicist, not a lawyer. This means the author's approach addresses the spirit of the law, not merely a lower standard of legal compliance, or following the letter of the law. For example, many Integrity Commissioners do use situationally-appropriate discretionary sanctions in their recommendations, but outside legal council's advice to Town staff on this topic was to limit these powers narrowly to the letter of the law.
3. There are no specific "magic bullets" of initiatives that are "musts" in a code for elected officials. Rather the Consultant has assigned a weight to each of these perceived incremental actionable initiatives using **three criteria**: (a) their impact on preventing corruption, (b) being seen to enhance transparency and accountability, and (c) being a good fit for the municipality at this time. Each initiative in Table Two gets a grade of 1-3, one point for each criterion.
4. In terms of the mandate for this Report, that is wanting to improve the code's best practices' grading, there are any number of combinations of initiatives that would suffice. It would be up to Members to adopt one or more initiatives from the list of nineteen in Table Two to change the current code grading from the current "B minus" to any improvement—all the way up to an "A plus". The number of points follows the thresholds in Table One.
5. This Report should help the Clerk and related staff in designing and presenting choices to Members in altering the current draft. The combination of one or more initiatives that might increase the grade is wholly the Councillors' choice, and several could be reflected in alternative choices in text changes..

Table One: Grading Scheme

Best Practices Benchmark Grade	Initiative Points of weights to secure a new Grading	Total Points Needed to Achieve A Higher Grade	
Existing B minus	0	0	
New Grade of B	5	5	
New Grade of B plus	5	10	
New Grade of A minus	8	18	
New Grade of A	8	26	
New Grade of A Plus	8	34	

Table Two: Actionable Initiative

Initiative (n= 19)	Individual Points	Comment
Apply code to spouses, family members and business partners	3	Its common conflict of interest practice at both other levels of government
Apply provisions to other agencies, boards and commissions	1	Status: deferred
Address non pecuniary conflicts	2.5	Status: deferred; this is substantive and will likely be addressed in new legislation
Outright ban on all gifts	3	It's a growing corporate and organizational norm
Establish a routine gifts registry	1.5	If gifts are so rare, why not eliminate them entirely? If not, why set so high a dollar limit as \$500?
Allow Member to Member complaints	3	This is routine practice virtually everywhere; Members should have the same rights as any citizen
Disallow complaints during election period	2	Other Councils have found it removes politicization of complaint process, and overall helps reduce complaint volume numbers
Specify more specific service timetable warrantees at all stages of normal complaint process	2	Current text addresses only two of five stages, yet service warrantee trends are toward more timeliness and clarity
Develop and apply "integrity test" for all staff and/or elected officials on recognizing and dealing with ethical dilemmas	3	This is very effective in empowering individuals and demonstrating shared responsibility for ethics, not leaving it on shoulders on the IC; Not all dilemmas are covered in a code and this clarifies norms
Allow IC to provide advice on Municipal Conflicts of Interest	2.5	Most ICs have legal training and access to judicial adjudication skills
Provide more clarity on process of accepting and resolving informal complaints	2.5	This is a weakness in many codes which originated from weak explanation of this mechanism in law but that's no reason not to define this mechanism
Ensure IC's report not be made public	1.0	Confidentiality and individual protection rules need stronger clarity
Allow IC to provide progressive appropriate disciplinary or sanction recommendations in spirit of the law	2.5	ICs believe that this allows for more respect for the law and the accountability officer; A narrow list of extreme remedies may preclude more appropriate judgements of first offences
Provide individual sign-off/attestation of having read and agreed to terms of code which is common in virtually all codes	2.5	The previous draft allowed for this and its common workplace practice to provide a sign-off

Implement an Ethics Q and A Manual as the kind of decision-making guidance or helpful educational resource that grows as needed		While neither explicit in law nor often included in a code, this is a very helpful guidance approach; It is proactive in that it summarizes what might be the IC's guidance, and can be easily accessed and updated: Ask Before Acting can save many dollars in lawyers' fees
Establish a formal Lobbyist Registry	2.5	Few jurisdictions have it; Interviews and e-mails in this engagement (n=3) alleged that certain development interests were inappropriately contributing to an individual councillor's campaigns
Mandate lobbyists with responsibility to disclose local lobbyist activity	2.5	Accountability officers and judges believe that sunlight is a great disinfectant; this is a problem that certain police, lawyers and accountability officers say needs to be addressed by many communities in South-Central Ontario
Provide a stronger clarity and differentiation between use of allowable resources between community (ward), charitable and political activity	1.5	Many jurisdictions in second iterations of codes allow Member solicitation of public funds for donations and sponsorships, including honorary chair of charitable organization events, but implement stronger rules re political activities, especially in election years
Implement an ongoing Transparency and Accountability Committee of Council	2.5	In jurisdictions where it exists, such a committee is praised for allowing ongoing initiation, discussion and resolution of integrity issues' Works best with broad multi-stakeholder engagement (media, citizens, citizen groups, and NGOs) in composition of the committee or "Congress"
Total	41	

I am happy to answer any questions.

With respect



David Nitkin

DN/ek: 23 Jan 2016



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-xx

A BY-LAW TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL

WHEREAS Section 223.2 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may establish codes of conduct for Members of Council of the municipality and of local boards of the municipality;

AND WHEREAS the Council of the Corporation of the Town of Newmarket considers it appropriate and proper to establish a code of conduct (the "Code") and to enact a by-law in this regard and to repeal By-law 2007-42.

THEREFORE BE IT ENACTED by the Council of the Corporation of the Town of Newmarket that the following Code of Conduct for Members of Council is hereby adopted:

Code of Conduct for Members of Council

PREAMBLE

Members of Council have the privilege of attaining elected office. That privilege carries significant responsibilities and obligations with respect to the public trust. In order to strengthen the role of Council and to enhance public trust with respect to the obligations of its Members, this Code is established to govern and regulate the ethical conduct of all Members and also supplements existing superior legislation, municipal by-laws and related corporate policies that govern Members' conduct.

1. PURPOSE AND PRINCIPLES

- 1.1 The Code sets out and identifies the Town's expectations for its Members and establishes rules for appropriate conduct.
- 1.2 The public expects the highest moral and ethical standards of conduct from Members that it elects. The behaviour and actions of Members is expected to reflect the principles of accountability, transparency, and public trust. Adherence to these standards will protect and maintain the Town's reputation and integrity.
- 1.3 The key statements of principle that underline this Code are as follows:
 - (a) the decision-making process of Council is open, accessible and equitable, and respects the Town's governance structure;
 - (b) public office is not to be used for the personal financial benefit of any Member;
 - (c) Town residents should have confidence in the integrity of their local government and of their Members;
 - (d) the conduct of each Member is of the highest standard; and
 - (e) the conduct of each Member demonstrates fairness, respect for differences and a duty to work with other Members together for the common good.

2. DEFINITIONS

2.1 In this Code:

- (a) **"Clerk"** means the Clerk of the Town or his/her designate;
- (b) **"Code"** means the "Code of Conduct for Council Members" as established by Council pursuant to section 223.2 of the Municipal Act, 2001;
- (c) **"Committee"** means a committee, board, task force or other body constituted and appointed by Council, including the Committee of the Whole, with the exception of the Newmarket Public Library Board;

Recommendation – new definition to support section 11

"community groups and organizations" means any group, club, society, or organization and any non-profit or charitable group or organization operated for social welfare, civic improvement, pleasure, recreation, or any other purpose except profit. Including but not limited to registered charities and non-profit organizations as defined by the Canada Revenue Agency.

- (d) **"complainant"** means a person who has filed a complaint in accordance with this Code;
- (e) **"complaint"** means a written objection filed with the Integrity Commissioner pursuant to this Code respecting a Member;
- (f) **"confidential information"** means any information in the possession of or received in confidence by the Town that the Town is prohibited from disclosing or has decided to refuse to disclose under the Municipal Freedom of Information and Protection of Privacy Act or other legislation, which includes but is not limited to:
 - (i) information that is disclosed or discussed at a meeting that is closed to the public pursuant to subsection 239(2) of the Municipal Act, 2001;
 - (ii) information that is given verbally in confidence in preparation for or following a meeting that is closed to the public pursuant to subsection 239(2) of the Municipal Act, 2001;
 - (iii) personal information as defined in subsection 2(1) of the Municipal Freedom of Information and Protection of Privacy Act;
 - (iv) advice that is subject to solicitor-client privilege or information that concerns litigation or potential litigation, including matters before administrative tribunals, affecting the Town;
 - (v) information that concerns any confidential matters pertaining to personnel, labour relations, or items under negotiation;
 - (vi) price schedules in contract tenders and information about suppliers provided in contract tender or requests for information, quotation or proposal submissions, if such information is given in confidence, implicitly or explicitly;
 - (vii) sources of complaints where the identity of the complainant is given in confidence;
 - (viii) information circulated to Members and marked "confidential"; or

- (ix) any information lawfully determined by the Council to be confidential or required to remain or be kept confidential by legislation or order.
- (g) "**Council**" means the Council of the Corporation of the Town of Newmarket;
- (h) "**gift**" means cash, fees, admission fees, advances, vouchers, invitations, objects of value, services, offers, personal benefits, travel and accommodation or entertainment that are provided to a Member, that could be seen to be connected directly or indirectly to the performance of the Member's duties;

Recommendation: amended definition in support of Option 2 in Section 8.

"**gift**" signifies, admission fees, vouchers, initiations, objects of value, services, offers for personal benefits, travel and accommodation or entertainment that are provided to a Member, that could be seen to be connected directly or indirectly to the performance of the Member's duties;

- (i) "**harassment**" or "**harass**" involves engaging in a course of behaviour, comment or conduct, whether it occurs inside or outside the work environment, that is or ought reasonably to be known to be unwelcome. It includes but is not limited to any behaviour, conduct or comment by a Member that is directed at or is offensive to another person:
 - i) on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status, as well as any other grounds under the provisions of the Human Rights Code; or
 - ii) which is reasonably perceived by the recipient as an intention to bully, embarrass, intimidate or ridicule the recipient.
- (j) "**Integrity Commissioner**" means the Integrity Commissioner appointed by Council pursuant to Section 223.3 of the Municipal Act, 2001;
- (k) "**meeting**" means any legally-constituted meeting of Council or a Committee;
- (l) "**Member**" means a Member of Council of the Town and includes the Mayor, Deputy Mayor and Regional Councillor;
- (m) "**municipal election period**" means the period commencing on the first day nominations may be filed and ending on voting day.

Recommendation:

Remove definition (m) municipal election period if Section 16.2 removed.

- (n) "**social media**" means web-based applications and on-line forums that allow users to interact, share and publish content such as text, links, photos, audio and video;
- (o) "**staff**" means direct employees of the Town whether full-time, part-time, contract (including employees of staffing agencies) or casual (including students and volunteers);
- (p) "**Town**" means the Corporation of the Town of Newmarket; and

- (q) **"Town property"** includes, but is not limited to, all real and personal property, facilities, vehicles, equipment, supplies, services, staff, documents, intellectual property, computer programs or technological innovations belonging to the Town.

3. CONDUCT OF MEMBERS

A Member shall at all times conduct themselves with propriety, decency and respect and with the understanding that all members of the public, other Members and staff are to be treated with dignity, courtesy and empathy, recognizing that a Member is always a representative of the Town and of their elected office. A Member shall at all times conduct themselves with decorum and in accordance with the Town's Procedure By-law during any meetings and in a manner that demonstrates fairness, respect for individual differences, and an intention to work together for the common good and in furtherance of the public interest.

4. COMPLIANCE WITH THE CODE OF CONDUCT

4.1 This Code applies to every Member.

4.2 A Member shall:

- (a) observe and comply with every provision of this Code, as well as all other policies and procedures adopted or established by Council affecting the Member, acting in his or her capacity as a Member;
- (b) respect the integrity of the Code and inquiries and investigations conducted under it; and
- (c) co-operate in every way possible in securing compliance with the application and enforcement of the Code.

4.3 No Member shall:

- (a) undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person; or
- (b) obstruct the Integrity Commissioner, or any other municipal official involved in applying or furthering the objectives or requirements of this Code, in the carrying out of such responsibilities, or pursuing any such objective.

Recommendation: New section

TRANSPARENCY AND OPENNESS IN DECISION MAKING

Members shall:

- (a) conduct Council business and their duties in an open and transparent manner so that stakeholders can understand the process and rationale which has been used to reach decisions;
- (b) ensure the public has input and receives notice regarding Council's decision making processes in accordance with the Procedure By-law;
- (c) ensure compliance with the Municipal Act, Municipal Freedom of Information and Protection of Privacy Act, and other applicable legislation regarding open meetings, accountability and transparency.

5. ACCESS TO INFORMATION AND CONFIDENTIALITY

5.1 A Member shall:

- (a) have the same access rights to municipal information as any other resident of the Town, unless the information relates specifically to a matter before Council. Any request for information from a Member that does not relate to their duties and obligations as a Member shall be referred to the 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;
- (b) comply with the "Council - Staff Request for Information and Use of Resources Policy"; and
- (c) have a continuing obligation to keep information confidential, even if the Member ceases to be a Member.

5.2 No Member shall:

- (a) obtain access, or attempt to gain access, to confidential information in the custody or control of the Town except in accordance with the Municipal Freedom of Information and Protection of Privacy Act;
- (b) disclose, release or publish by any means to any person or to the public any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so;
- (c) use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body; or
- (d) disclose or discuss, through written, electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of Council or a Committee until such time that Council or a Committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the head or designate under the Municipal Freedom of Information and Protection of Privacy Act or if directed to do so by a court.

Recommendation: clarification of 5.1 (a), 5.2 (a) and (b), and incorporation of disclosure of information via social media concept.

5.1 A Member shall

- (a) only be entitled to have access to information in the possession of the Town that is relevant to matters before Council or a Committee or that is relevant to their role as Members of Council. Otherwise, they have the same access rights to information as any member of the public.
- (b) follow the procedures for requesting information contained in the "Council - Staff Request for Information and Use of Resources Policy"; and
- (c) have a continuing obligation to keep information confidential, even if the Member ceases to be a Member.

5.2 No Member shall:

- (a) obtain access, or attempt to gain access, to confidential information in the custody or control of the Town except in accordance with the Municipal Freedom of Information and Protection of Privacy Act;

- (b) disclose, release or publish by any means, including social media any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so;
- (c) provide to any other person to disclose, release, publish any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so;
- (d) use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body; or
- (e) disclose or discuss, through written, electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of Council or a Committee until such time that Council or a Committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the head or designate under the Municipal Freedom of Information and Protection of Privacy Act or if directed to do so by a court.

6. UNDUE USE OF INFLUENCE

6.1 A Member shall comply with the requirements of the Municipal Conflict of Interest Act.

6.2 No Member shall:

- (a) use the influence of his or her office for any purpose other than the exercise of his or her official duties and responsibilities;
- (b) engage in any business or transaction, or have a financial or other personal interest, that is incompatible with their official duties with the Town;
- (c) knowingly place themselves in a position where they are under obligation to any person who might benefit from special consideration or who might seek preferential treatment;
- (d) give preferential treatment to any person in the performance of their official duties;
- (e) derive personal benefit from confidential information that they have acquired during the course of fulfilling their official duties with Council;
- (f) knowingly place themselves in a position where they could, by virtue of being a Member, influence decisions or contracts from which they or any personal contact or family member could derive any direct or indirect benefit; and
- (g) participate in any manner so as to influence or attempt to influence any decision on the part of Council, Committee or the Town where the Member has a conflict of interest.

Recommendation: removal of conflict of interest – also referred to under Section 16.3 and simplified wording for this section.

6. UNDUE USE OF INFLUENCE

6.1 No Member shall use their status as a Member of Council to improperly influence the actions or decisions of Staff or others to the private advantage of the Member or his or her family, staff, friends or associates, business or otherwise.

7. STAFF RELATIONS

- 7.1 A Member shall respect staff and acknowledge that staff is required to provide objective advice while remaining neutral, carry out directions of Council as a whole, and administer the policies of the Town without undue influence from any Member.
- 7.2 No Member shall:
- (a) publicly criticize staff, whether collectively or individually;
 - (b) maliciously or falsely impugn the professional or ethical reputation of any staff;
 - (c) compel staff to engage in partisan political activities, or subject staff to threat or discrimination for refusing to engage in such activities; or
 - (d) use their authority or influence to threaten, intimidate, or coerce staff or improperly interfere the lawful exercise of the duties of staff.

Recommendation: clarification of former 7.2(a) now 7.1 (b)

- 7.1 A Member shall:
- (a) respect staff and acknowledge that staff is required to provide objective advice while remaining neutral, carry out directions of council as a whole, and administer the policies of the town without undue influence from any Member.
 - (b) respect the administrative structure and direct any staff performance concerns through the appropriate supervisory staff.
- 7.2 No Member shall:
- (a) maliciously or falsely impugn the professional or ethical reputation of any staff;
 - (b) compel staff to engage in partisan political activities, or subject staff to threat or discrimination for refusing to engage in such activities; or
 - (c) use their authority or influence to threaten, intimidate, or coerce staff or improperly interfere the lawful exercise of the duties of staff.

8. GIFTS

- 8.1 No Member shall accept a gift which they intend to keep for themselves, with a fair market value of greater than \$500.
- 8.2 A gift with a fair market value of greater than \$500, if accepted, shall be considered the property of the Town.

Option 1

Recommendation: no gifts allowed except within the specified exceptions

- 8.1 No member shall accept a gift or personal benefit that is connected directly or indirectly with the performance of their duties unless authorized by one of the exceptions below.

Option 2

Alternative: limit of \$200 and no cash allowed, in co-operation with revised definition of gifts.

8.1 No member shall

- (a) accept a fee, cash, or gift certificate that is connected directly or indirectly with the performance of their duties.
- (b) accept a gift or personal benefit that is connected directly or indirectly with the performance of their duties unless authorized by one of the exceptions below.
- (b) accept a gift which they intend to keep for themselves, with a fair market value of greater than \$200.

8.2 A gift with a fair market value of greater than \$200, if accepted, shall be considered the property of the Town.

8.3 Notwithstanding Section 8.1, the following exceptions are applicable:

- (a) gifts received as an incident of protocol or social obligation that normally accompany the responsibilities of elected office;
- (b) gifts that are not connected directly or indirectly with the performance or duties of office;
- (c) compensation authorized by law;
- (d) a reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with a legitimate municipal purpose;
- (e) political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
- (f) services provided without compensation by persons volunteering their time;
- (g) a suitable memento of a function honouring the Member or the Town;
- (h) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political sub-divisions of them, and by the federal government or the government of a foreign country;
- (i) food, beverages and/or admission fees provided by banquets, receptions or similar events if attendance is the result of protocol or social obligation consistent with the responsibilities of office, and the person extending the invitation has done so infrequently and that person or a representative of the organization is in attendance; and
- (j) communications to offices of a Member including subscriptions to newspapers and periodicals.

9. USE OF TOWN PROPERTY

9.1 A Member shall:

- (a) only use Town property for activities relevant to their role as Members of Council; and
- (b) comply with the procedures outlined in the "Council-Staff Request for Information and Use of Resources Policy" and the "Use of Corporate Resources and Election Campaign Activities Policy".

- 9.2 No Member shall obtain any personal financial gain or advantage from the use of Town property.

10. POLITICAL ACTIVITY

- 10.1 A Member shall comply with all legislative requirements related to political activity including the Municipal Elections Act, 1996, the Elections Act and any other election statute, and the "Use of Corporate Resources and Election Campaign Activities Policy".

Recommendation: clarification and incorporation of Municipal Election Act reference into section 16.3.

- 10.1 Members may not use Town resources for any type of political activity as outlined in the "Use of Corporate Resources and Election Campaign Activities Policy" including promoting or opposing the candidacy of any person to elected office in any municipal, provincial and federal campaign.

11. PARTICIPATION IN LOCAL COMMUNITY GROUPS EVENTS AND CHARITABLE ORGANIZATIONS

- 11.1 A Member shall be entitled to:

- (a) organize, establish, participate in and support community groups and charitable organizations and associated events, subject to the limitation in Section 11.3(a);
- (b) hold positions within community groups and charitable organizations;
- (c) solicit donations or sponsorships on behalf of community groups or charitable organizations, as long as such solicitation, donation or sponsorship is not reasonably seen to be an improper use of the Member's influence and does not conflict with any position or decision of the Council;
- (d) hold positions on the governing boards of community groups and charitable organizations, and be subject to the published rules of each applicable organization;
- (e) use their discretionary expense budget to support community groups and events and ward events, subject to the terms of the "Councillor Expense Policy and the Guidelines for Discretionary Expenses";
- (f) use corporate resources including staff for organizing and supporting events and meetings that are connected to their official duties subject to the "Council-Staff Request for Information and Use of Resources Policy" the "Use of Corporate Resources and Election Campaign Activities Policy" and other applicable policies and procedures; and
- (g) use their name or position and title to identify ward events and ward meetings or endorse other community events but must seek Council approval for the use of their name or position and title for any charitable event where fundraising activities occur.

- 11.2 Members shall:

- (a) ensure that any funds, goods, or services received for community group or charitable organization events are not used for any other purpose or for any purpose that conflicts with any position or decision of the Council; and

- (b) respect the need for transparency with respect to their involvement in community groups, community events and local charities and perform their community service in a manner that promotes public confidence.

11.3 No member shall:

- (a) provide any financial support to any community group for any purpose that conflicts with any position or decision of the Council.

Recommendation: merged 11.1 (b) and (d), amended 11.1 (g) now 11.2 (a), merged 11.3 into 11.1(d),

11. PARTICIPATION IN COMMUNITY GROUPS AND ORGANIZATIONS AND THEIR EVENTS

11.1 A Member shall be entitled to:

- (a) organize, establish, participate in and support community groups and organizations and their associated events;
- (b) hold positions, including positions on governing boards, within community groups and organizations, and be subject to the published rules of each applicable organization;
- (c) solicit donations on behalf of community groups and organizations as long as any funds are not received or administered using corporate resources;
- (d) use their discretionary expense budget to support community groups and organizations and their events, subject to the terms of the "Councillor Expense Policy and the Guidelines for Discretionary Expenses" unless such organizations are in conflict with any position or decision of Council;
- (e) use staff in the executive offices, or additional staff as required in consultation with the CAO for organizing and supporting events and meetings connected to their role as Members of Council in accordance with the "Council-Staff Request for Information and Use of Resources Policy" the "Use of Corporate Resources and Election Campaign Activities Policy" and other applicable policies and procedures.

11.2 Members shall

- (a) seek Council approval for the use of their name or position and title in the official name of any event where fundraising activities occur;
- (b) seek Council approval for the use of corporate resources beyond those provided for in Section 11.1 in support of any event where fundraising activities occur. The request shall be reviewed by the CAO, and a report provided to Council with an assessment of the associated costs;;
- (c) ensure that any funds, goods, or services received for community group or charitable events are not used for any other purpose;
- (d) respect the need for transparency with respect to their involvement in community groups and organizations and their events and perform their community service in a manner that promotes public confidence.

12. HARASSMENT

12.1 No Member shall harass any other Member, any staff, or any member of the public.

- 12.2 Any complaint of harassment involving a Member shall be referred to the Integrity Commissioner and the complaint will be dealt with in accordance with Section 16 of this Code.

13. ENCOURAGEMENT OF RESPECT FOR THE TOWN AND ITS BY-LAWS

- 13.1 No Member shall use the influence of their office for any purpose other than for the lawful exercise of their official duties and for municipal purposes.

- 13.2 A Member shall:

- (a) encourage the public, prospective contractors and lobbyists, and their colleagues to abide by the Town's by-laws and policies, including this Code; and
- (b) accurately communicate the decisions of Council even if they disagree with the majority decision of Council, and by so doing affirm the respect and integrity in the decision-making processes of Council.

14. SOCIAL MEDIA

- 14.1 A Member shall:

- (a) adhere to all applicable legislation as well as guidelines, protocols, codes and by-laws regarding privacy, social media use, and freedom of information; and
- (b) always identify themselves without any attempt to cover, disguise or mislead as to their identity or status as an elected representative of the Town when using social media.

- 14.2 No Member shall:

- (a) post or publish confidential information concerning Council business. For the purposes of this Section, confidential information also includes unpublished materials, documents and statistics, current and future projects, financials, facts and figures, and other pertinent details; or
- (b) use social media to publish anything that is dishonest, untrue, malicious, obscene, constitutes harassment, is defamatory, or misleading in any way.

Recommendation: clarification and incorporation of disclosure concept into Section 5.2.

- 14.1 A Member shall:

- (a) adhere to all Town policies and guidelines, regarding social media use; and
- (b) always identify themselves without any attempt to cover, disguise or mislead as to their identity or status as an elected representative of the Town when using social media.

- 14.2 No Member shall:

- (a) use social media to publish anything that is dishonest, untrue, offensive, disrespectful, constitutes harassment, is defamatory, or misleading in any way.

15. ROLE OF THE INTEGRITY COMMISSIONER

- 15.1 The Town shall appoint an Integrity Commissioner under Section 223.3 of the Municipal Act, 2001 who is an independent officer and who will report directly to Council and be responsible for carrying out his or her functions in accordance with the Municipal Act, 2001 and any other functions assigned by Council, in an independent manner.
- 15.2 The Integrity Commissioner may provide some or all of the following services as determined by the Town:
- (a) education and training;
 - (b) investigation of a complaint, including a decision not to investigate and a summary dismissal of a complaint;
 - (c) investigation reports and recommendations, including periodic, interim or final reports and annual reports;
 - (d) information to the public regarding the Code and the obligations of Members under the Code and other ethical guidelines or policies; and
 - (e) proactive guidance upon request from Council or a Member.
- 15.3 Notwithstanding the services in Section 15.2 above, the Integrity Commissioner shall not provide advice or opinions to any Member with respect to the Municipal Conflict of Interest Act.

16. COMPLAINT PROCESS

- 16.1 Subject to Section 16.11, a complaint that a Member has contravened the Code may be initiated by any person, including a member of the public, a member of staff or Council, as follows:

Option 1

Recommendation - allowance of member to member complaints (with removal of Section 16.11)

- 16.1 A complaint that a member has contravened the Code may be initiated by **any person or by Council as follows:**

Option 2

Alternative: Clarification prohibiting Member to Member complaints (with removal of 16.11)

- 16.1 **With the exception of an individual Member of Council a complaint that a Member has contravened the Code may be initiated by Council, a member of the public, or a Member of staff, as follows:**

- (a) a complaint shall be made in the form attached as Appendix A and is to be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier (if required, pre-addressed and postage paid envelopes are available from the Legislative Services Department);
- (b) a complaint shall be made in writing and must be signed and dated by the complainant who shall be an identifiable individual (complaints may not be submitted by any group, organization or corporation);
- (c) the alleged violation shall have taken place within six (6) months of filing the complaint with the Integrity Commissioner;

(d) a complaint shall include:

- (i) an explanation, with specific reference to sections of the Code, as to why the issue raised is alleged to be a contravention of the Code;
- (ii) any evidence in support of the allegation; and
- (iii) any witnesses in support of the allegation must be identified.

16.2 A complaint may be filed during the municipal election period regarding a Member seeking re-election and can be investigated by the Integrity Commissioner but no report shall be made to Council until the new term of Council commences.

Recommendation: no restriction

Remove Section 16.2

16.3 The Integrity Commissioner shall undertake an initial review of a complaint that has been filed and shall determine whether the matter relates to non-compliance with the Code or other corporate policy applying to Members. If the matter is covered by other legislation or if the complaint is not alleging a contravention of the Code or such a policy, the Integrity Commissioner shall have no power or jurisdiction to investigate or otherwise deal with the complaint and will accordingly, advise the complainant in writing as follows:

Recommendation: clarified wording

16.3 The Integrity Commissioner shall undertake an initial review of a complaint that has been filed and shall determine whether the matter relates to non-compliance with the Code or other corporate policy applying to Members. The Integrity Commissioner shall have no power or jurisdiction to investigate or otherwise deal with the complaint, and will advise the complainant in writing accordingly, if the complaint is not alleging a contravention of the Code or other corporate policy applying to Members or if the complaint relates to the following matters:

- (i) **Criminal Matter** – if the complaint relates to an allegation of a criminal nature consistent with the Criminal Code, the complainant shall be advised that pursuit of such an allegation must be made through the appropriate police service;
- (ii) **Municipal Conflict of Interest** – if the complaint relates to a matter under the Municipal Conflict of Interest Act, the complainant shall be advised to review the matter with his or her own legal counsel; and
- (iii) **Municipal Freedom of Information and Protection of Privacy** – if the complaint relates to a matter that under the Municipal Freedom of Information and Protection of Privacy Act, the complainant shall be referred to the Clerk.

Recommendation: new sub section, addition of reference to Municipal Elections Act

- (iv) **Municipal Elections Act** – if the complaint relates to the enforcement of the Municipal Elections Act, the complainant shall be referred to the Compliance Audit Process if the matter relates to campaign finances or to such other avenues of investigation as dictated by that Act.

- 16.4 The Integrity Commissioner may dispose of a complaint on the basis that it is not within the jurisdiction of the Integrity Commissioner in a summary manner and may report same to Council. The Integrity Commissioner may also seek further information or clarification from the complainant and shall endeavour to apprise the complainant of subsequent steps and the processing of the complaint and any ensuing investigation.
- 16.5 If the Integrity Commissioner is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Integrity Commissioner may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner. The Integrity Commissioner shall advise the complainant in writing of his or her decision and reasons for not undertaking an investigation or terminating it.
- 16.6 If the Integrity Commissioner has decided to commence an investigation of a complaint (except where otherwise required by the Public Inquiries Act, 2009, if applicable), the Integrity Commissioner shall provide a copy of the complaint and supporting evidence to the Member whose conduct is in question with a request for a written response to be provided within ten (10) days. The Integrity Commissioner may provide the response from the Member to the complainant with a request for a written reply within ten (10) days.
- 16.7 The Integrity Commissioner shall review the written responses and may, if necessary discuss the matter with anyone that the Integrity Commissioner considers is relevant to the complaint. The Integrity Commissioner may access and examine any of the information described in subsections 223.4(3) and (4) of the Municipal Act, 2001 and may access any Town workplace relevant to the complaint, including any documents or records under the custody or control of the Town.
- 16.8 Before finalizing a report to Council which recommends sanctions, the Integrity Commissioner shall provide the Member with the basis for their findings and any sanctions that may be recommended. The Member shall have the opportunity to comment either in writing, verbally or in person to the Integrity Commissioner on the proposed findings and sanctions.
- 16.9 Upon conclusion of a complaint investigation, the Integrity Commissioner shall:
- (a) issue a report to Council on the findings of the investigation and, where there has been a contravention of the Code, the report shall contain the detailed findings, any recommended sanctions, or any settlement; and
 - (b) provide a copy of the final report to the Member at the same time as the final report is made available to the Clerk and to the complainant at the same time as the report becomes public.
- 16.10 The Integrity Commissioner's report on a complaint shall be placed on an agenda for consideration at a public meeting of the Committee of the Whole or Council, in accordance with the Procedure By-law, as determined by the Clerk in consultation with the Integrity Commissioner.
- 16.11 A complaint may not be initiated by a Member who believes another Member has contravened the Code.

Recommendation – with amended 16. 1

Remove section 16. 11.

17. PENALTIES

17.1 Upon receipt of a final report and the recommendations of the Integrity Commissioner, Council may, where the Integrity Commissioner has determined there was a violation of the Code, impose either of the following two (2) penalties:

- (a) a reprimand; or
- (b) suspension of remuneration paid to the Member in respect of his or her services as a Member for up to ninety (90) days.

18. INTERPRETATION

18.1 This Code shall be interpreted as follows:

- (a) the headings in the Code form no part of the Code but shall be deemed to be inserted for convenience of reference only;
- (b) all changes in number and gender shall be construed as may be required by the context;
- (c) the reference to any Town official shall be deemed to include the Town official who performs the duties of such referenced person from time to time, including their delegates;
- (d) the reference to Integrity Commissioner shall be deemed to include any person who has been delegated powers and duties by the Integrity Commissioner in accordance with subsection 223.3(3) of the Municipal Act, 2001;
- (e) the reference to a statute or regulation, except as may be otherwise provided, shall be deemed to include such statute or regulation as may be amended or re-enacted from time to time or its successor legislation, and, in each case, the regulations made from time to time pursuant thereto;
- (f) the reference to a by-law, resolution, policy or guideline made, enacted, established or adopted by the Town, including the Code, except as may be otherwise provided, shall be deemed to include such by-law, resolution, policy or guideline as may be amended or re-enacted from time to time or its successor by-law resolution policy or guideline made, enact, established or adopted from time to time; and
- (g) if a court of competent jurisdiction should declare any section or part of a section of this Code to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this Code and it is hereby declared that the remainder of this Code shall be valid and remain in force.

ENACTED THIS 29th DAY OF FEBRUARY 2016.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

19.0 ATTESTATION

- 19.1 Upon the adoption of this Code of Conduct and thereafter 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, understood and accept it.
- 19.2 I have read and understood this document and agree to abide by its terms. I understand that I may approach the Integrity Commissioner for binding confidential guidance and advice on interpretation of its provisions to prospective decisions that I might make.
- 19.3 With my signature, as a Member of Council, I confirm that I have read, understood and accept this Code of Conduct.

Signature

Date

Cross References

Criminal Code of Canada, R.S.1985, c. C-46
Municipal Act 2001 S.O. 2001, c.25 as amended
Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50
Municipal Freedom of Information and Protection of Privacy Act, R.S.O.1990,
c. M.56
Procedural By-law 2004-167 as amended
Council - Staff Request for Information and Use of Resources Policy, CA0.1- 01
Elected Officials Expense Policy, CORP.1-07
Employee Code of Conduct, CAO.3-01
Harassment & Discrimination Free Workplace Policy HR.13-04
Internet and E-mail Acceptable Use Policy and Guidelines, IT.1-01
Use of Corporate Resources and Election Campaign Activities, CORP.1-01
Violence Free Workplace Policy, HR.13-03

Appendices

Appendix A - Code Complaint Form

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