

Governance – Code of Ethics for Town Councilors Policy

Disposal of Assets Policy			
Effective Date	June 26, 2006	Policy Type	GO-002 Res #300-2006 Res #558-2010 Res #57-2013
Responsibility	Clerk	Cross-Reference	
Approver	Council	Appendices	
Review Schedule	5 Years		

1. Policy Statement

Local Government is an open, accessible, and accountable form of government. The relationship of public trust and mutual respect that has evolved between government and the public requires high standards of ethical conduct by Municipal Council Members. This Code of Ethics and Conduct also respects the primacy of the Ontario Municipal Act, 2001 and all of its requirements concerning the conduct of Members of Council.

2. Background

The Town of Cochrane’s Members of Council fundamentally understand that:

- (a) The proper operation of democratic and representative municipal government requires that they be independent, impartial and responsible to the people;
- (b) There are open and proper channels for decision making and approval of policy;
- (c) Conflicts between private interests and public responsibilities are unacceptable and must be avoided;
- (d) As leaders of the community, they are held to a higher standard of behavior and conduct; and;
- (e) A member must not, in their official capacity as a Member of Town Council, or in any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office, authority, or the integrity of Council into disrepute.

3. Policy Objective

The purpose of the policy set out above, and the commitment to this Code of Ethics is to:

- (a) Protect the public interest. In some cases, the practical application of the Code’s provisions in diverse situations may reveal gaps, ambiguities and inconsistencies in the Code. In these circumstances, the protection of public interest is to be accepted as the true, and primary, underlying intent of the Code;
- (b) Encourage high ethical standards among Municipal Council members;

- (c) Provide a universal understanding of the fundamental rights, privileges, and obligations of Municipal Council Members;
- (d) Provides a means for Municipal Council Members to obtain authorization for some contemplated conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct;
- (e) Set out the means of correcting or addressing unethical conduct on the part of any Councilor;
- (f) Recognize that Members of Town Council hold positions of privilege and must therefore discharge their duties in a manner that recognizes a fundamental commitment to the well being of the community and regard for the integrity of the Corporation;
- (g) Make decisions that are in the best interest of the Community at large, while respecting the interests of any given constituents; and;
- (h) Strive to collaboratively conduct the work of Council as a team supportive of the decisions ratified by Council.

4. Scope

5. Definitions

Code of Ethics: Means this Code of Ethics and Conduct for Municipal Councilors for the Corporation of the Town of Cochrane.

Municipal Council Members: Include the Mayor and Members of Council of the Town of Cochrane.

Public Comment: Disclosures made in a public speech, lecture, radio or television broadcast, in the press, newsletter, or book form.

Confidential Information: In the course of conducting business, Municipal Councilors may determine that certain information is confidential in the ordinary course of business. Confidential Information includes, but is not limited to, the following;

- (a) Information which is obtained or discussed by declaration in a closed meeting, or in accordance with the procedural by-law, or otherwise determined by Council to be confidential;
- (b) Information relating to any potential, or actual, litigation;
- (c) Information which is directed by legal counsel for the Municipality to be considered privileged and confidential;
- (d) Information relating to personnel matters, matters relating to employees, their union, or the collective bargaining process;
- (e) Information designated as confidential by the provisions of the Municipal Act, 2001, or any other provincial or federal legislation , or pursuant to any procedural by-law or other by-law;
- (f) Personal data of employees or others;
- (g) Records related to internal policies and practices, which if disclosed, may prejudice the effective performance of a municipal operation;
- (h) Records of a financial nature reflecting information given of accumulated in confidence;
- (i) Files prepared in connection with litigation and adjudicative proceedings; and;
- (j) Reports of consultants, policy drafts ad internal communications, which, if disclosed, may prejudice the effective operation of the municipality.

Town: Means The Corporation of the Town of Cochrane, and includes all related Boards, Service Boards, Committees, Commissions and Departments of, or affiliated with, the Town of Cochrane.

6. Guiding Principles – General

To ensure that this Code is fully implemented, and that the Town of Cochrane, the Municipal Councilors, and the residents of the community fully benefit from the provisions of this Code, all Municipal Councilors acknowledge and agree that they are committed to uphold and abide by this Code to the following:

- (a) Municipal Council Members are encouraged to seek clarification from Council if they are uncertain as to the appropriateness of their existing or contemplated conduct as it relates to this Code;
- (b) Complaints or inquiries concerning the ethical conduct of any Municipal Councilor, and compliance with this Code, shall be made in writing and signed, directed to Mayor and Council and reviewed by the Integrity Commissioner, in accordance with the Municipal Act 2001;
- (c) Should the complaint be handled through an Integrity Commissioner, it will be done so in accordance with Town Policy and the Municipal Act on Municipal remuneration penalty, as per the Act;
- (d) Where the Integrity Commissioner determines the conduct referred to does breach the Code of Ethics, the complaint shall be so advised in writing;
- (e) Where the Integrity Commissioner has determined that the conduct referred to does breach the Code of Ethics, Town Council may take responsive action in the form of any one or more of the following:
 - (i) Insert policy on escalated penalty against Councilors municipal remuneration, which starts with two weeks, then four weeks, then 90 days, for example;
 - (ii) A public statement must be made, outlining Council's position, which shall include the nature of the complaint against the Councilor, as well as the response from the Councilor named in the complaint, and the result of the finding and decision of Council (unless the disclosure of any such information would be determined to be Confidential information);
 - (iii) The removal of the Councilor who has offended the Code from Standing Committees;
 - (iv) A demand for a public acknowledgement of the breach and a public apology, in written form, to Town Council;
 - (v) Such other remedial action which Council determines is as fair and reasonable response to the breach of the Code of Ethics, or;
 - (vi) The passing of a resolution of Council that the issue of the breach of the Code be placed before a Judge of the Superior court for judicial investigation, in accordance with Section 274 of the *Municipal Act, 2001*.

The Town Council may also appoint an Integrity Commissioner as per Section 223 of the Municipal Act, S.O. 2001.

7. Roles and Responsibilities

Council members recognize their responsibilities and tasks as Municipal Council members and shall at all times:

- (a) Act in a manner which fairly represents the diversity of community views in developing an overall strategy for the current and future welfare of the Municipality and Community residents;
- (b) Act in a manner which sets and promotes objectives and determine strategies to achieve Council's objectives in accordance with strategic plans in place from time to time;
- (c) Act in a manner which achieves sound financial planning and management and accountability;
- (d) At all times, be aware of, and familiar with, all statutory obligations imposed upon the Municipal Council as a whole, as well as each individual member of Council, including Municipal By-Laws, the Municipal Act, 2001, and all provincial or federal legislation governing the conduct of business within the Municipality;
- (e) Conduct oneself so as not to engage in any activities which would impair the ability of each Councilor to perform his or her duty in a satisfactory manner;
- (f) Avoid any conduct which would result in a Municipal Councilor, knowingly breaching the law in the performance of his or her duties, or ever to request any other person to breach the law;
- (g) Engage in any conduct which would result in the falsifications of any Municipal records, or assist others, or encourage others, whether Municipal employees or otherwise, to do so;
- (h) Consider and make such revisions, additions, or deletions to the Code of Ethics, as may be justified; and;
- (i) Following their review of information presented to Council, make decisions on the appropriate action to be taken in matters concerning each Councilor's ethical conduct in accordance with this Code.
- (j) All Members of Council shall communicate accurately the decision of Council or Committees, in such a manner that shows respect for the decision making process of Council or Committees whether they agree or not.

The Administrator shall:

- (a) Provide recommendations to Council on desirable revisions, additions, or deletions to the Code of Ethics;
- (b) Advise of allegations and conduct inquires relating to unethical conduct by Members of Council.
- (c) Ensure the administrative controls referred to, in the Code of Ethics, are in place;
- (d) Fully inform newly appointed Council Members of the ethical standards they are expected to observe, and if requested, obtain clarification of the specific ethical standards each Council Member will be required to observe in a particular position; and;
- (e) Keep Council Members informed, on an ongoing basis, of the Town's policy on ethical behavior.

Council Members shall adhere to the following guidelines in exercising their duties and powers as Municipal Councilors:

(a) Integrity and Transparency and Openness in Decision Making

All Councilors acknowledge that ethical behavior relies on the diligence of each individual. However, since a breach of ethics impacts, not only upon that Member of Council, but also the Town of Cochrane and its residents, this Code of Ethics is accepted as the means by which each Councilor acknowledges his and her responsibility and commitment to maintaining a common commitment to the principles and guidelines contained in this Code.

Municipal Councilors shall endeavor to conduct and convey Council business in an open and public manner (except for those matters relating to personnel, legal matters, litigation, property acquisitions, or other matters which must remain confidential as determined in accordance with legislation and by-law) so that stakeholders can obtain the process, logic and rationale which was used to reach conclusions or decisions.

Municipal Councilors shall uphold, and agree, that they shall not breach the provisions of this Code, without restricting the scope of this Code, in addition to the breaches of the provisions of this Code.

The following shall also be considered breaches of the Code of Ethics:

- (i) To knowingly breach the law in the performance of his/her duties, or to request others to do so.
- (ii) To intentionally falsify any of the Town's records.

(b) Interpersonal Behaviour of Members of Council

1. **Treat Every Person with Dignity, Understanding and Respect**

Members of Council shall abide by the provisions of the Human Rights Code and, in doing so, shall treat every person including other Members of Council, Committees, Boards, corporate employees, individuals providing services on a contract basis and the public with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination.

2. **Not to discriminate**

In accordance with the Human Rights Code, Members of Council shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same sex status, family status or disability.

3. **Not to Engage in Harassment**

In accordance with the Human Rights Code, harassment shall mean engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Without limiting the generality of the foregoing, Members of Council shall not:

- (i) make racial, homophobic, sexist or ethnic slurs;
- (ii) display pornographic, homophobic, sexist, racist or other offensive or derogatory materials;
- (iii) make leering (suggestive staring) or other offensive gestures;
- (iv) make written or verbal abuse or threats, vandalize the personal property of others or commit physical or sexual assault;
- (v) make unwelcome remarks, jokes, innuendos or taunting statements about a person's physical appearance, racial background, colour, ethnic origin, place of origin, citizenship, ancestry, creed (religion of belief), sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, disability (physical or mental);
- (vi) make unwelcome remarks, insulting gestures or jokes which cause embarrassment or awkwardness;
- (vii) refuse to converse or interact with anyone because of their racial or ethnic background, colour, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability;
- (viii) make unnecessary or unwanted physical contact, including touching, patting, or pinching ; and
- (ix) demand sexual favours or requests.

4. **Workplace Violence “ and Domestic Violence**

Members of Council shall not :

- (i) exercise or attempt to use physical force against a worker, in the workplace, that causes or could cause physical injury to the worker,
- (ii) attempt to exercise physical force against a worker, in

(c) Relationships with Staff and Other Members of Council

Council Members recognize the importance of maintaining a strong and constructive relationship with the municipal staff members and all employees of the Town of Cochrane. Municipal Councillors will:

- (i) Not provide directives or instructions to staff members personally, acknowledge that only Council, as a whole, has the capacity to direct staff members to carry out specific tasks or functions; or
- (ii) Refrain from publicly criticizing individual members or staff and employees in a way that casts aspersions on their professional competency, credibility or character.
- (iii) Council shall be respectful of the role of staff to advise based on political fairness, and objectivity, and without due influence from any individual member or group of the Council
- (iv) No member of Council shall maliciously or falsely harm the professional or ethical reputation or the prospects or practice of staff. All members shall show respect for the professional capacities of the staff of the Town of Cochrane.
- (v) No member of Council shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing such activities.
- (vi) Council shall not use or attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering with the person's duties including the duty to disclose improper activity.

No Member of Council shall:

- (vii) Maliciously or falsely injure the professional or ethical reputation by spreading rumours;
- (viii) Cause persistent, excessive nit-picking, unjustified criticism and constant scrutiny.

(d) Impartiality

Every member of Municipal Council will perform his or her duties in an impartial manner, and without restricting the scope of this rule, all Municipal Councilors will:

- (i) Ensure that their actions or conduct do not, in any way, grant any special consideration, treatment, or advantage in matters relating to his or her position on Council to any person;
- (ii) Refrain from using their position to improperly influence members of staff in their duties or functions or to gain an advantage for themselves or others;
- (iii) Use all “insider information” appropriately, so as not to be used to their personal advantage or to the advantage to any other person in preference to other persons.

(e) Gifts and Benefits

A possible inherent pitfall in accepting gifts and benefits from outside sources is that regardless of the intent, in some instances, the person providing the gift has something to gain from the recipient. Gifts and other benefits are a means of wielding some kind of influence, regardless of how innocuous the gesture may appear to be on the surface.

Without restricting the scope of this rule, the following shall govern the conduct of Municipal Councilors:

- (i) A Municipal Councilor must refrain from accepting gifts and benefits from firms or individuals.
- (ii) A Member of Council must not place themselves in a position where they are under an obligation to favor an individual or firm.
- (iii) Councilors, while in public office, may extend and provide “moderate hospitality” to individuals and in the case of any doubt, each Councilor must consult with Council to determine whether or not a specific gesture constitutes moderate hospitality.

(f) Conflict of Interest

Every Municipal Council Member shall have regard to the provisions contained in the Municipal Conflict of Interest Act, R.S.O. 1990, the Municipal Act, and any other governing legislation, regulations, and laws relating to avoidance of conflict of interest.

(g) Financial Transactions and Use of Property

Every Municipal Council Member must adhere to Town By-Laws and policies, regarding any municipal financial transaction.

Municipal Councilors shall use Municipal property, equipment, supplies and services only for activities connected with the discharge of official duties or associated community activities having the sanction of Council, or its Committees.

(h) Confidentiality and Use of Information

Every Municipal Council Member must hold, in strict confidence, all information identified as confidential information, acquired in the course of his/her term with the Town.

Without restricting the scope of this rule, Municipal Councilors shall:

- (i) Not use confidential information which is not available to the general public (to which Members of Council have access by reason of his/her position with the Town) to further his/her personal interests or the interests of others;
- (ii) Not disclose to unauthorized persons confidential information to which the Member of Council has access, by reason of his/her position as a Member of Council with the Town;
- (ix) At all times, use confidential information appropriately, so as not to cause detriment or benefit to others;
- (x) Understand that they enjoy the same access rights to Municipal information as any other member of the community, unless it is specifically relevant to a matter before Council; and;
- (v) Only release information according to the provisions of the Municipal Freedom of Information and Protection of Individual Privacy Act.

(i) Political Activity

All Municipal Councilors will act, as all times, in the interest of the Municipality and its community residents, and will not use their authority or influence as a Municipal Councilor on behalf of any specific political party or candidate.

(j) Communications and Media Relations and Public Comment

Members of Council will accurately and adequately communicate the attitudes and decisions of the Municipal Council, even if they disagree with the majority decision of Council, so that;

- (i) There is respect for the decision making processes of Council;
- (ii) Reasonable opportunity will be given for official information related to decisions and resolutions made by Council will normally be communicated in the first instance to the community and the media in an official capacity by the Mayor or designate;
- (iii) Information concerning adopted policies, procedures and decisions of the Council is conveyed openly and accurately;
- (iv) Confidential information will only be communicated when and after determined by Council; and;
- (v) Communications by a member of Council, or personal views on matters of public controversy will be expressed in a matter consistent with this Code of Ethics and all policy of the Municipality.

8. Exceptions to the Policy

9. Inquires/Implementation

For the purposes of implementing this Code, and ensuring that the terms of the Code are accepted by all Councilors in each term:

- (a) Upon approval of this policy by Town Council, the Council will be required to adopt the Code into by-law for it to be official and active.
- (b) At the beginning of each term of office, Members of Council will be expected to review and re-adopt the Code into by-law for it to be official and active, and will end at the end of the term.
- (c) This Code of Ethics, as amended from time to time, will be included as part of the orientation workshop for each new Council.
- (d) All 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.

10. Amendments (Revision History)

June 26, 2006

Dec. 13, 2010

Feb. 12 ,2013