



# LEGISLATIVE SERVICES CODE OF CONDUCT FOR MEMBERS OF COUNCIL, LOCAL BOARDS AND COMMITTEES POLICY

Policy #: CS-004

Issued: September 9, 2013

Reviewed/Revised: Jan. 11, 2016

Prepared By: L. Burling

Reviewed By: Senior Administration

Approved By: Council

---

## 1.0 PURPOSE

Section 223.2(1) of the *Municipal Act, 2001* (the “Act”) indicates that the general powers afforded to a municipality by sections 9, 10 and 11 of the Act authorize the municipality to establish codes of conduct for members of the Council of the municipality and of local boards of the municipality.

A written Code of Conduct helps to ensure that members of Council, its local boards and committees all share a common basis of acceptable conduct. The Council of the Town of Kingsville considers it desirable to augment the Oath of Office sworn by each member of Council with a Code of Conduct and to expand the Code of Conduct to those persons appointed to local boards and committees.

This Code of Conduct is intended to provide rules for individual members of Council, local boards and committees to follow and ensure that they act, at all times, in a manner that will enhance public trust and confidence in local government. This Code of Conduct is not intended to be exhaustive, nor is it intended to replace personal ethics. It is recognized that no set of rules can address every ethical question.

## 2.0 SCOPE

## 3.0 DEFINITIONS

“**Member**” shall mean a member of Council, a local board or a committee, as the case may be.

“**Integrity Commissioner**” shall mean the person or corporation appointed by Council pursuant to Section 223 of the Municipal Act.

## 4.0 REFERENCE DOCUMENTS

The Municipal Act, 2001

## 5.0 RESPONSIBILITIES

## 6.0 PROCEDURE

### Code of Conduct

- a) A Member must discharge, with integrity, all duties owed to Council, the Town of Kingsville and the public.
- b) The Member shall serve his/her constituents in a conscientious and diligent manner.
- c) The Member has a duty to hold in strict confidence all information concerning matters dealt with "in camera". The Member shall not release, make public or in any way divulge any such information or any aspect of the "in camera" deliberations, unless expressly authorized or required by law to do so.
- d) At a Council, local board or committee meeting as the case may be, the Member shall treat the Chair, other Members, staff and delegates from the public with courtesy, respect and good faith.
- e) The Member shall encourage public respect for, and try to improve the administration of the by-laws of the Town.
- f) A member of Council shall make every effort to participate in the local board or committee to which he/she is appointed, and shall always be forthright with Council regarding the affairs of the local board or committee.
- g) A Member shall not harass another Member, staff or any member of the public. "Harass" shall have the same meanings described in the Violence and Harassment in the Workplace Policy, adopted by Council on June 12, 2010.
- h) No Member shall purport to speak on behalf of Council, a local board or a committee unless he or she is authorized to do so.
- i) A Member who expresses disagreement with a decision of Council a local board or a committee shall make it clear that he or she is expressing a personal opinion.
- j) A Member shall refrain from engaging in conduct that would discredit or compromise the integrity of Council, a local board or a committee.
- k) The Member shall be respectful of the obligation that staff is expected to make recommendations to Council, a local board or a committee that reflect professional and corporate management, judgement and opinions which are not unduly influenced by any single Member.
- l) As a general rule, Members should not accept gifts or other benefits from persons or companies who are or may be doing business with the Town or have done business with the Town in the past. There are some limited circumstances where the acceptance of a gift or benefit is acceptable. Low value gifts may be accepted where it would be poor business practice or would cause offence not to accept, i.e. ballpoint pens, coffee mugs, caps or similar items, commemorative of an official opening or a gift or benefit given as part of the formal and public protocol of the Member performing his or her duties as a Member. There are also receptions, open houses, charitable events and similar occasions to which Members are invited and expected to attend as public figures by virtue of being Members.

## **Allegation of Breach of Code of Conduct**

Individuals (including employees, the public and Members) who have identified or witnessed alleged breaches of this Code of Conduct shall provide details of the alleged breach in writing to the Integrity Commissioner, including the specific sections of this Code of Conduct which are alleged to be contravened (the "Allegation").

The Integrity Commissioner shall determine whether the Allegation is within his/her jurisdiction to investigate, and if so, shall provide a copy of the Allegation to the Member and request that the Member submit a written response to the Integrity Commissioner (the "Response") within 15 days.

The Integrity Commissioner shall review the Allegation and Response and conduct any further investigation which he/she deems necessary and may bring a report to Council (the "Report").

## **Penalties for Breach**

If the Integrity Commissioner brings a Report to Council on an investigation of an Allegation and finds that the Member has contravened this Code of Conduct, Council may:

- Issue a reprimand to the Member;
- Suspend remuneration payable to the Member by the Town to a maximum of ninety (90) days;

Council may also:

- Encourage the Member to remedy the breach(es) at the earliest opportunity;
- Request the Member issue an apology;
- Remove the Member as chair of any local board or committee; and/or
- Removed the Member as a member of any local board or committee

## **Implementation**

Upon adoption by Council, at the beginning of each term of Council, and upon appointment of a Member, the Clerk shall provide a Member with a copy of this Code of Conduct.

Each member shall sign two copies of the Statement of Commitment attached as Schedule 'A' to convey to each other and the public that they have read, understand and accept the Code of Conduct.

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

## 7.0 REVIEW/REVISIONS

<b>No.</b>	<b>Revision Details (incl. provision #)</b>	<b>Revision By</b>	<b>Date</b>
1.	Integrity Commissioner definition	J. Astrologo	January 11, 2016
2.	Harrassment definition at paragraph 2(g)	J. Astrologo	January 11, 2016
3.	Penalty provisions to reflect allowable penalties for breach of the Code of Conduct	J. Astrologo	January 11, 2016
4.			
5.			
6.			
7.			
8.			

Questions about this policy can be referred to the Director of Legislative Services.

**SCHEDULE 'A'**

**THE CORPORATION OF THE TOWN OF KINGSVILLE**

**CODE OF CONDUCT FOR MEMBERS OF COUNCIL,  
LOCAL BOARDS AND COMMITTEES**

**STATEMENT OF COMMITMENT**

I, \_\_\_\_\_, a Member as defined in the Code of Conduct have read and understand the Code of Conduct and I am committed to observing its provisions.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature