



CITY OF WOODSTOCK POLICY MANUAL

Subject:	Code of Conduct for Council, Advisory Committees and Local Boards of the Municipality
Policy Number:	GA016
Revision:	05
Approved by Council:	September 20, 2007
Amended:	March 1, 2019

Statement of Principle

A written Code of Conduct helps to ensure that the members of Council, advisory committees and local boards of the municipality (the “members”) share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate. These standards should serve to enhance public confidence that Woodstock’s elected and appointed representatives operate from a base of integrity, justice and courtesy.

The City of Woodstock’s Council Code of Conduct is a general standard that augments the provincial laws and municipal policies and by-laws that govern their conduct. It is not intended to replace personal ethics.

This Code of Conduct is consistent with the existing statutes governing the conduct of members. Five pieces of Federal and Provincial legislation govern the conduct of members of Council, those being:

- the *Municipal Act, 2001 as amended*, and the *Council Procedural By-law* passed under section 238 of that Act;
- the *Municipal Conflict of Interest Act, 1990* as amended;
- the *Municipal Elections Act, 1996* as amended; and
- the *Municipal Freedom of Information and Protection of Privacy Act, 1990* as amended;
- the *Criminal Code of Canada*.

General Statement

All members to whom this Code of Conduct applies shall serve their constituents in a conscientious and diligent manner. No member shall use the influence of office for any purpose other than the exercise of his or her official duties.

Members of Council are responsible for making honest statements. No member shall make a statement when he or she knows the statement is false. No member shall make a statement with the intent to mislead Council, other members or the public.

Application

The Code of Conduct shall apply to all members of Council, advisory committees and of local boards of the municipality (as defined in the *Municipal Act, 2001*).

Gifts and Benefits

No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of Office, unless permitted by the exceptions listed below.

For these purposes, a fee or advance paid to or a gift or benefit provided with the member's knowledge to a member's spouse, child or parent (as defined in the *Municipal Conflict of Interest Act, 1990*) or to a member's staff that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member.

The following are recognized as exceptions:

- a. Compensation authorized by by-law;
- b. Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- c. A political contribution otherwise reported by law;
- d. Services provided without compensation by persons volunteering their time;
- e. A suitable memento of a function honouring the member;
- f. Food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, or by the Federal government or by a foreign country;
- g. Food and beverages consumed at banquets, receptions or similar events, if:
 - attendance serves a legitimate purpose;
 - the person extending the invitation or a representative of the organization is in attendance; and
 - the value is reasonable and the invitations infrequent;
- h. Communication to the offices of a member, including subscriptions to newspapers and periodicals.

In the case of categories (b) (e) (g) and (h), if the value of the gift or benefit exceeds \$300, or if the total value received from any one source during the course of a calendar year exceeds \$300, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the City Clerk. The disclosure statement must indicate:

1. The nature of the gift or benefit;
2. Its source and date of receipt;
3. The circumstances under which it was given or received;
4. Its estimated value;
5. What the recipient intends to do with the gift; and
6. Whether any gift will at any point be left with the City.

Any disclosure statements will be a matter of public record.

Disclosure statements shall be presented to City Council to ascertain whether the receipt of the gift or benefit might create a conflict between a private interest and the public duty of the member. In the event that City Council makes that preliminary determination, Council shall call upon the member to justify receipt of the gift or benefit.

Should City Council determine that receipt was inappropriate, Council may direct the member to return the gift, reimburse the donor for the value of any gift or benefit already consumed or forfeit the gift or remit the value of the gift or benefit already consumed to the City.

Except in the case of category (f), a member may not accept a gift or benefit worth in excess of \$500 or gifts or benefits from one source during a calendar year worth in excess of \$500.

Confidentiality

All information, documentation or deliberation received, reviewed or taken in closed session of Council, its committees and local boards are confidential. Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required by law to do so. Where a matter that has been discussed at a closed session remains confidential, no member shall disclose the content of the matter, or the substance of deliberations, of the in-camera meeting. Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential.

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

- the security of the property of the municipality or local board;

- personal matters about an identifiable individual, including municipal or local body employees;
- a proposed or pending acquisition or disposition of land by the municipality or local board;
- labour relations or employee negotiations;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a matter in respect of which a council, board, committee or other body may hold a closed meeting;
- information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
- a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board
- information that infringes on the rights of others (e.g., sources of information where the identity of the provider is given in confidence);
- price schedules in contract tender or Request For Proposal submissions if so specified;
- information deemed to be “personal information” under the *Municipal Freedom of Information and Protection of Privacy Act, 1990*; and
- statistical data required by law not to be released (e.g. certain census or assessment data).

This list is provided as an example and is not exclusive. Requests for information should be referred to appropriate staff to be addressed as either an informal request for access to municipal records or as a formal request under the *Municipal Freedom of Information and Protection of Privacy Act, 1990*.

Use of City Property, Services and Other Resources

No member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to City resources not otherwise available to the general public and not consequent to his or her official duties.

No member shall use for personal purposes any City equipment, supplies or

services of consequence other than for purposes connected with the discharge of City duties or associated community activities of which City Council has been advised.

No member shall use City facilities, services or property for his or her personal or business use unless the use is universally known to be available to other residents upon request and on equal terms. No member shall use the services of City employees for his or her personal or business use during the hours in which the employees are in the paid employment of the City.

No member shall obtain financial gain from the use of City developed intellectual property, computer programs, technological innovations or other patentable items, while a member or thereafter. All such property remains the exclusive property of the City of Woodstock.

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

Work of a Political Nature

No member shall use City resources as listed in the 'Rules for the Use of Municipal Resources During the Election Campaign Period' for his or her re-election campaign.

Conduct Respecting Current and Prospective Employment

No member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the City.

Use of City Technology Resources

Members shall comply with the provisions of the City of Woodstock Policy HR016, Use of City Technology Resources. The City of Woodstock licenses the use of computer software from a variety of vendors. The City of Woodstock does not own the software or its documentation. Software is normally copyrighted, and no individual may copy or distribute the software unless expressly permitted to do so under the applicable licence.

Business Relations

No member shall borrow money from any person who regularly does business with the City unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

No member shall act as a paid agent before Council or a committee of Council or any agency, board, or committee of the City.

Any Councillor communication of City business, Councillor communication at City events, or Councillor communication when representing Council shall be free of professional endorsement or personal business promotion.

Expenses

Members shall comply with the provisions of the City of Woodstock policies HR003 Mileage Allowance, and HR010 Expense Allowance – Conferences, Conventions, Seminars, Training Courses and Workshops.

Representing the City

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

Encouragement of Respect for the City and its By-laws and Policies

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

Conduct

Members shall conduct themselves with decorum at all meetings in accordance with the provisions of the Procedural By-law. Respect for delegations and for fellow members and staff requires that all members show courtesy and not distract from the business of the Council during presentations and when other members have the floor.

As a representative of the City, every member has the duty and responsibility to treat members of the public, one another, and staff appropriately and without abuse, bullying, or intimidation, and to ensure that the municipal work environment is free from discrimination and harassment. A member shall not use indecent, abusive, or insulting words or expressions toward any other member, a member of staff, or a member of the public.

Harassment

Harassment of another member, staff or any member of the public is misconduct. It is the policy of the City of Woodstock that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment. Harassment may be defined as any behaviour by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, gender, age, disability, sexual orientation, marital status, or family status and any other grounds under the provisions of the Ontario Human Rights Code.

The Ontario Human Rights Code applies, as does the Prevention of Workplace Violence and Harassment Policy HS002.

Influence on Staff

Members shall be respectful of the fact that staff work for the City as a body corporate and are charged with making recommendations that reflect their

professional expertise and corporate perspective, without undue influence from any individual member or group of members of Council.

In addition, members shall be respectful of the fact that staff carry out directions of Council and administer the policies of the municipality, and are required to do so without any undue influence from any individual member or group of members of Council. Accordingly, no member shall maliciously or falsely injure the professional or ethical reputation of staff, and all members shall show respect for the professional capacities of the staff of the City of Woodstock.

The Council as a whole directs the business of the City and passes by-laws, or resolutions as appropriate, for decisions adopted by Council. Council has delegated responsibility to the Chief Administrative Officer (CAO) for the administration of the affairs of the City in accordance with the by-laws adopted. This means that under the direction of the CAO, staff has the responsibility and the authority to provide consultation, advice and direction to Council and to implement Council approved policy.

Accordingly, staff establishes the appropriate administrative policies, systems, structures and internal controls to implement the goals and objectives of Council, and to manage implementation within the resources at their disposal. The Council should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions.

Employment of Council Relatives Policy

Members shall comply with the provisions of City of Woodstock Policy HR015, Nepotism.

Integrity Commissioner

The City of Woodstock has appointed an Integrity Commissioner who reports to Council and who is responsible for performing in an independent manner the following functions:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council and of local boards.
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member (these requests and responses must be made in writing).
5. Requests from members of council and of local boards for advice respecting

their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members (these requests and responses must be made in writing).

6. Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act* (these requests and responses must be made in writing).
7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*.

Complaint Process

When a member of Council, committee or local board, an employee of the City or a member of the public has reasonable grounds to believe that a member has breached this Code of Conduct, a complaint can be submitted informally or formally as outlined below.

Informal Complaint Procedure

The complainant could address the alleged contravention of the Code of Conduct him/herself as follows:

1. Advise the member that their behavior or activity appears to contravene the Code of Conduct;
2. Encourage the member to stop the prohibited behavior or activity;
3. Keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
4. If applicable, confirm to the member that you are satisfied with the response you received or advise the member of your dissatisfaction with the response;
5. Consider the need to pursue the matter in accordance with the formal complaint procedure.

Formal Complaint Procedure

Formal complaints must be submitted in writing to the Integrity Commissioner. Contact information for the Integrity Commissioner will be provided on the City's website or can be obtained from the Clerk's Office. All complaints must be signed by an identifiable individual (the "complainant") and must clearly include:

- a. the member to whom the complaint relates;
- b. the nature of the alleged contravention;
- c. the specific provision(s) of the Code allegedly contravened;
- d. names of any witnesses to the alleged contravention;
- e. written material in support of the alleged contravention; and
- f. contact information for the complainant during normal business hours.

If the Integrity Commissioner, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of any other Act or of the *Criminal Code of Canada*, the Integrity Commissioner shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge has been finally disposed of, and shall report the suspension to Council.

Upon receipt of a formal complaint, the Integrity Commissioner shall assess the validity of the complaint to determine if it is appropriate and within the mandate of the Integrity Commissioner to investigate. The Integrity Commissioner will determine the complaint to be invalid and will not conduct an inquiry if it is:

- outside of the jurisdiction of the Integrity Commissioner;
- frivolous or vexatious;
- made in bad faith or without substance; or
- insufficient basis to conduct an investigation, including not relevant to the objectives of the *Municipal Act, 2001*, the Code of Conduct or in the public interest;

If the Integrity Commissioner is satisfied that a formal complaint does not contain sufficient information to set out a contravention of the Code of Conduct, the Integrity Commissioner will notify the complainant that an inquiry will not be pursued and provide an opportunity for the complainant to provide additional information to allow the Integrity Commissioner to determine whether there has been a possible contravention of the Code of Conduct. If an inquiry is not pursued the Integrity Commissioner shall report the nature of the formal complaint and the reason for not investigating to City Council. If an inquiry is not pursued or is suspended or cancelled for any reason, the Integrity Commissioner shall inform the complainant in writing.

Where the Integrity Commissioner has determined that the allegations made would, if substantiated, constitute a breach of the Code of Conduct, the Integrity Commissioner will investigate the alleged breach. The Integrity Commissioner will conduct an inquiry and make a determination as to any alleged contravention of the Code of Conduct or applicable procedures, rules and policies and, thereafter, will report to City Council the details and results of such inquiry.

Conflict of Interest Complaints

When an elector (as defined in section 1 of the *Municipal Conflict of Interest Act, 1990*) or a person demonstrably acting in the public interest has reasonable grounds to believe that a member of council or a member of a local board has contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act, 1990* (MCIA), a complaint can be submitted in writing to the Integrity Commissioner. Contact information for the Integrity

Commissioner will be provided on the City's website or can be obtained from the Clerk's Office. A complaint must be made within six weeks of the complainant becoming aware of the alleged contravention. All complaints must be signed by an identifiable individual (the "complainant") and must clearly include:

- a. the member to whom the complaint relates;
- b. an explanation, with specific reference to sections of the MCIA, as to why the issue raised is alleged to be a contravention of the MCIA;
- c. any evidence in support of the allegation;
- d. any witnesses in support of the allegation;
- e. contact information for the complainant during normal business hours; and
- f. a declaration attesting to the fact that the complainant became aware of the alleged contravention not more than six weeks before the date of application.

The Integrity Commissioner shall undertake an initial review of a complaint and shall determine whether the matter relates to noncompliance with the MCIA. If it does not, or the Integrity Commissioner determines that he or she do not have jurisdiction to investigate the complaint, the complaint is frivolous, vexatious or made in bad faith, or there is insufficient basis to conduct an investigation, the Integrity Commissioner shall inform the complainant in writing accordingly.

If the Integrity Commissioner deems the complaint to be within his or her jurisdiction under the MCIA, and deems the request to have merit, the Integrity Commissioner will conduct an inquiry and, thereafter, will report to City Council the details and results of such inquiry. The Integrity Commissioner may hold a public meeting to discuss the inquiry if he or she deems necessary.

Upon completion of the inquiry, the Integrity Commissioner may, if he or she considers it appropriate, apply to a judge under section 8 of the MCIA for a determination as to whether the member has contravened section 5, 5.1 or 5.2 of that Act. The Integrity Commissioner shall advise the complainant if the Integrity Commissioner will not be making such an application to a judge.

Timing and Reports

The Integrity Commissioner shall make every effort to complete an inquiry within 30 days and no later than 180 days after receiving the complaint.

The municipality (and local board if applicable) shall ensure that reports received from the Integrity Commissioner are made available to the public.

Complaints During an Election

In accordance with the *Municipal Act, 2001*, if the Integrity Commissioner has not completed an inquiry before nomination day for a regular election, the inquiry shall be terminate on that day. If an inquiry is terminated the Integrity Commissioner shall not

commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, the complainant or the member or former member whose conduct is concerned makes a written request to the Integrity Commissioner that the inquiry be commenced.

No requests for an inquiry, reports about inquires, or consideration about imposing penalties shall be permitted during the period starting on nomination day and ending on voting day in a regular election. If the complainant became aware of an alleged contravention of the *Municipal Conflict of Interest Act, 1990* within the period of time starting six weeks before nomination day for a regular election, and ending on voting day in a regular election, the complainant can apply to the Integrity Commissioner for an inquiry within six weeks after the day after voting day in a regular election.

Revisions

Revision Date	Rev #	Particulars
May 6, 2010	01	Remove Integrity Commissioner
July 12, 2012	02	Formerly GA019
December 10, 2015	03	Updates to account for Bill 8 (changes to the Ombudsman Act) – mostly changes to the Complaint Process
February 18, 2016	04	Add a section as directed by Council at the February 18, 2016 City Council Meeting
Approved by Council February 21, 2019 – effective March 1, 2019	05	Reorganization of headings, inclusion of Integrity Commissioner and update of complaint process