



The Corporation of the United Counties of Prescott and Russell

By-law 2018-29, a Code of Conduct for Members of Council of the Corporation of the United Counties of Prescott and Russell

Consolidated for Convenience Only

This is a consolidation of "By-law 2018-29". The Amendment By-law indicated below has been combined with the Original By-law for convenience only. This consolidation is not a legal document. The Original By-law shall be consulted for all required interpretations and applications.

Table 1 Amendment By-law, Description, Date

Amendment By-law	Description	Effective Date
2021-05	Schedule A to By-law 2018-29: Section 5.7 amended Sections 7.4, 7.5 and 7.6 added to Part 7 Sections under Part 12 replaced by sections 12.1, 12.2 and 12.3 Note: This By-law has been entirely reformatted to meet accessibility standards.	February 24, 2021

**The Corporation of the
United Counties of Prescott and Russell**

By-law 2018-29

A By-law to establish a Code of Conduct for Members of Council of the Corporation of the United Counties of Prescott and Russell.

Whereas Section 8 of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers, and privileges of a natural person;

And whereas Section 11 of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, authorizes municipalities to pass By-laws regarding accountability and transparency of the municipality and its operations and of its local Boards and their operations;

And whereas Section 223.2(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that municipalities shall establish codes of conduct for members of the Council of the municipality and of its local Boards;

And whereas Council of the Corporation of the United Counties of Prescott and Russell deems it appropriate and expedient to establish a Council Code of Conduct.

The Council of the Corporation of the United Counties of Prescott and Russell enacts as follows:

1. That the Code of Conduct for Council, attached hereto as Schedule "A" and forming part of this By-law, be adopted".
2. In the event Section(s) of this By-law are found by a court of competent jurisdiction to be invalid or ultra vires, such Section(s) or parts thereof shall be deemed severable, with all other parts of this By-law remaining in full force and effect.
3. That this By-law shall come into full force and effect upon its passing.

Done and passed in open Council on August 29, 2018.

Original signed by
François St-Amour, Warden

Original signed by
Andrée Latreille, Clerk

Appendix A to By-law 2018-29

Corporation:

The Corporation of the United Counties of Prescott and Russell

Title:

Council Code of Conduct

Table of Contents

Part 1. Short Title	6
Title	6
Part 2. Statement of Intent.....	6
Statement.....	6
Part 3. Application.....	6
Application	6
Part 4. General Integrity.....	6
General Integrity	6
Part 5. Gifts, Benefits, and Hospitality	6
Gifts, Benefits, and Hospitality	6
Part 6. Expenses	8
Expenses	8
Part 7. Confidential Information.....	8
Confidential Information	8
Part 8. Conduct at Meetings of Council and Committees.....	9
Conduct at Meetings	9
Part 9. Conduct Respecting Staff	9
Conduct Respecting Staff	9
Part 10. Harassment.....	10
Harassment.....	10
Part 11. Communications and Media Relations.....	11
Communications and Media Relations.....	11

Part 12. *Municipal Conflict of Interest Act* 12
 Conflict of Interest 12

Part 13. *Improper Use of Influence* 13
 Improper Use of Influence 13

Part 14. *Election-Related Activity* 13
 Activity 13

Part 15. *Use of Municipal Property and Resources* 13
 Use 13

Part 16. *Compliance With the Code of Conduct* 14
 Compliance 14

Part 1. Short Title

Title

1.1. This By-law shall be known as the Council Code of Conduct for the Corporation of the United Counties of Prescott and Russell.

Part 2. Statement of Intent

Statement

2.1. To guide those who are covered by this Code in their day-to-day responsibilities on behalf of the citizens of the United Counties of Prescott and Russell. These standards are designed to supplement the legislative parameters within which the Members must operate.

Part 3. Application

Application

3.1. All Members of Council and members of the public appointed to a County Committee and/or an advisory Board are expected to follow this Code, the Council Procedural By-law, and other sources applicable procedural law. They are also subject to other sources of law such as the *Municipal Act, 2001*; the *Conflict of Interest Act*; the *Municipal Elections Act*; the *Municipal Freedom of Information and Protection of Privacy Act*; the *Occupational Health and Safety Amendment Act* (violence and harassment in the workplace), 2009; the *Human Rights Code*, and the *Criminal Code of Canada*.

Part 4. General Integrity

General Integrity

4.1. All Members to whom this Code of Conduct applies shall serve their constituents in a conscientious and diligent manner. Members shall not use the influence of office for any purpose other than the exercise of his or her official duties.

Part 5. Gifts, Benefits, and Hospitality

Gifts, Benefits, and Hospitality

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

5.2. For these purposes, a fee, advance, gift, benefit, or hospitality provided with the Member's knowledge to a Member's spouse, child, parent, brother, sister, father-in-law, mother-in-law, sister-in-law, and brother-in-law 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.

5.3. The following are recognized as exceptions:

- a.** Compensation or benefit authorized by Council;
- b.** Such gifts or benefits that normally accompany the responsibilities of office and area received as an incident or 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, by the federal government or by a foreign government within a foreign country;
- g.** Food and beverages consumed at banquets, receptions, or similar events, if:
 - attendance serves a legitimate business purpose;
 - the person extending the invitation, or a representation of the organization is in attendance; and
 - the value is reasonable and the invitations infrequent.

5.4. Council is the custodian of the assets of the municipality. The community places its trust in Council and those it appoints to make decisions for the public good in relation to these assets.

5.5. Members of Council and members of the public appointed to committees must not use municipal assets for personal convenience, for profit or to assist during an election or in relation to a nomination, except where such privileges are granted to the public or provided by law.

5.6. Members of Council and members of the public appointed to committees must not accept gifts and benefits, except as provided under law and in the course of their duties. They may accept gifts of token value only, but they should be aware that even these may place them in a position where their actions are open to serious question.

5.7. If a Member of Council or member of the public appointed to a committee receives a gift or benefit and the value of the gift or benefit exceeds \$100, or if the total value received from one source during the course of a calendar year exceeds \$100, the Member of County Council shall, within 30 days of receipt of the gift or benefit or of reaching the annual limit, file a disclosure statement with the CAO.

(Amended by By-law 2021-05)

The disclosure statement must indicate:

- a. the nature of the gift, benefit, or invitation;
- b. its source and date of receipt;
- c. the circumstances under which it was given or received.

Any disclosure statement made under this subsection will be a matter of public record.

Part 6. Expenses

Expenses

6.1. Members of Council are required to adhere to the Council Expense Policy and related procedures and guidelines and ensure that conditions related to each expense are met.

6.2. Falsifying of receipts or signatures by a Member of Council or their staff is a serious breach of this Code of Conduct and the *Criminal Code of Canada* and could lead to prosecution.

Part 7. Confidential Information

Confidential Information

7.1. Members of Council have a duty to hold information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. They must not, either directly or indirectly, release, make public, or in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or required by law.

7.2. Members of Council must not disclose, use or release information in contravention of applicable privacy law. They are only entitled to information in the possession of the municipality that is relevant to matters before the Council or a committee. Otherwise, they enjoy the same level of access rights to information as any other member of the community and must follow the same processes as any private citizen.

7.3. Members of Council must not release information subject to Solicitor-Client privilege, unless expressly authorized by Council or required by law.

7.4. Members of Council shall keep confidential any information that is circulated to Members marked confidential.

(Amended by By-law 2021-05)

7.5. The obligation to keep information confidential applies even if the Member ceases to be a Member of Council.

(Amended by By-law 2021-05)

7.6. Protection of Privacy:

- a.** Confidential information includes information in the possession of, or received in confidence by, the Counties and that the Counties are either prohibited from disclosing, or are required to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), or other legislation. Generally, MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific, or technical nature, information that is personal and information that is subject to Solicitor-Client privilege.
- b.** No Member of Council shall disclose or release by any means to anyone, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so.
- c.** No Member of Council shall use confidential information for personal or private gain, or for the gain of relatives, or any person or corporation.

(Amended by By-law 2021-05)

Part 8. Conduct at Meetings of Council and Committees

Conduct at Meetings

8.1. Members of Council shall conduct themselves with decorum at all Council and Committee meetings in accordance with the provisions of the Procedural By-law, as amended from time to time, and this Code of Conduct.

Part 9. Conduct Respecting Staff

Conduct Respecting Staff

9.1. *The Municipal Act, 2001*, sets out the roles of Members of Council and the municipal administration, including specific roles for statutory officers such as the Chief Administrative Officer, Clerk, Treasurer, and the Integrity Commissioner.

9.2. Mutual respect and cooperation are required to achieve the Council's corporate goals and implement the Council's strategic priorities through the work of staff.

9.3. Council as a whole has the authority to approve budget, policy, governance, and other such matters. Under the direction of the CAO and County staff, serves Council as a whole and the combined interests of all Members as evidenced through the decisions of Council. Members have no individual capacity to direct members of staff to carry out particular functions.

9.4. Members of Council are expected to:

- a.** represent the public and to consider the well-being and interests of the municipality;

- b.** develop and evaluate the policies and programs of the municipality;
- c.** determine which services the municipality provides;
- d.** ensure that administrative policies, practices, and procedures, and controllership policies, practices, and procedures are in place to implement the decisions of Council;
- e.** ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- f.** maintain the financial integrity of the municipality; and
- g.** carry out the duties of Council under the *Municipal Act, 2001* or any other *Act*.

9.5. Municipal staff is expected to:

- a.** implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- b.** undertake research and provide advice to Council on the policies and programs of the municipality; and
- c.** carry out other duties required under the *Municipal Act, 2001*, or any *Act*, and other duties assigned by the municipality.

9.6. Members of Council shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from an individual Member or group of Members of Council.

9.7. Members of Council should not:

- maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff;
- compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities; or
- 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 in staff's duties.

Part 10. Harassment

Harassment

10.1. Harassment of another Member, staff, or any member of the public is misconduct. It is the policy of the United Counties of Prescott and Russell that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

10.2. Harassment may be defined as a 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, sex, age, handicap, sexual orientation, marital status, or family status, and any other grounds under the provisions of the *Ontario Human Rights Code*.

10.3. In accordance with the *Human Rights Code*, as amended, harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

10.4. Without limiting the generality of the foregoing, Members shall not:

- a.** make inappropriate comments or gestures to or about an individual where such conduct is known or ought reasonably to be known to be offensive to the person(s) to whom they are directed or are about;
- b.** display materials or transmit communications that are inappropriate, offensive, insulting, or derogatory via any communication means, including but not limited to social media, print material, websites, or verbally;
- c.** make threats or engage in any abusive activity or course of conduct towards others;
- d.** vandalize the personal property of others;
- e.** commit assault of any kind, including making unwanted physical contact, including touching, patting, or pinching; or
- f.** refuse to converse or interact with anyone based on any ground listed in the *Human Rights Code*, as amended.

10.5. Harassment, which occurs in the course of, or is related to, the performance of official duties by Members, is subject to this *Code* and shall be investigated by the Integrity Commissioner.

Part 11. Communications and Media Relations

Communications and Media Relations

11.1. Members of Council will attempt to accurately and adequately communicate the attitudes and decisions of Council, even if they disagree with a majority decision of Council, so that:

- a.** there is respect for the decision-making process of Council.
- b.** 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 CAO or designate.

c. the Warden shall be the official spokesperson for the Counties. If the Warden is not available, then the CAO shall assume that role.

d. information concerning adopted policies, procedures, and decisions of Council is conveyed openly and accurately.

e. confidential information will be communicated only when and after determined by Council.

f. Members conduct their dealings with each other in ways that maintain public confidence in the Office to which they have been elected, Members remain open and honest, and Members are focused on the issue rather than personalities and avoid aggressive, offensive, or abusive conduct.

Part 12. *Municipal Conflict of Interest Act*

Conflict of Interest

12.1. Members of Council shall conduct themselves in accordance with the *Municipal Conflict of Interest Act*, as amended from time to time.

(Amended by By-law 2021-05)

12.2. The following principles should be used as a guide:

a. In making decisions, Members should always place the interests of the taxpayers first and, in particular, place them before their own interests and those of colleagues on Council, staff, friends, or family;

b. If in doubt as to whether the Member has a pecuniary interest in the matter, which is defined in the *Municipal Conflict of Interest Act*, the said Member should immediately request advice, in writing, from the Integrity Commissioner;

c. It is also the responsibility of individual Members of Council to obtain independent legal advice with respect to any situation that might arise whereby the Member has potential for a conflict of interest; and

d. Lastly, it is considered a breach of this Code of conduct for individual Members of Council to require or to attempt to burden staff members to assist them in the determination of whether they have a conflict of interest.

(Amended by By-law 2021-05)

12.3. When the Member of Council has a pecuniary interest, the Member should immediately declare it at the first available opportunity and follow the provisions of the *Municipal Conflict of Interest Act*, including, but not limited to section 5 thereof.

(Amended by By-law 2021-05)

Part 13. Improper Use of Influence

Improper Use of Influence

13.1. As an elected official, Members of Council are expected to perform their duties of office with integrity, accountability, and transparency. Members of Council should not use the status of their position to influence the decision of another individual to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business, or otherwise.

13.2. In the same manner, and as outlined in the Conflict of Interest Guidelines for the *Provincial Offences Act* Policy, Members of Council shall not attempt to influence or interfere, either directly or indirectly, financially, politically, or otherwise with employees, officers, or other persons performing duties under the *Provincial Offences Act*.

Part 14. Election-Related Activity

Activity

14.1. Members are required to conduct themselves in accordance with the *Municipal Elections Act, 1996*. The use of municipal resources, both actual municipal property and staff time, for election-related activity is strictly prohibited. The prohibition applies to both the promotion and opposition to the candidacy of a person for elected office. Election-related activity applies not only to a Member's personal campaign for office but also other campaigns for municipal, provincial, and federal office.

Part 15. Use of Municipal Property and Resources

Use

15.1. In order to fulfill their roles as elected representatives, Members of Council have access to municipal resources such as property, equipment, services, staff, and supplies. No Member of Council shall use, or permit the use of, Counties land, facilities, equipment, supplies, services, staff, or other resources (for example, Counties-owned materials or websites) for activities other than purposes connected with the discharge of Council duties or Counties business.

15.2. No Member shall obtain financial gain from the use or sale of Counties-developed intellectual property, computer programs, technological innovations, or other patent, trademark, copyright held by the Counties.

Part 16. Compliance with the Code of Conduct

Compliance

16.1. Members of Council are expected to adhere to the provisions of the Code of Conduct. The *Municipal Act, 2001*, authorizes Council, where it has received a report by its Integrity Commissioner that, in his or her opinion, there has been a violation of the Code of Conduct, to impose one of the following sanctions:

- A reprimand; and
- Suspension of the remuneration paid to the member in respect of his or her services as a Member of Council or a local Board, as the case may be, for a period of up to 90 days.

16.2. The Integrity Commissioner may also recommend that Council impose one of the following sanctions:

- Written or verbal public apology;
- Return of property or reimbursement of its value or of monies spent;
- Removal from membership of a committee; and
- Removal as Chair of a committee.

16.3. The Integrity Commissioner has the final authority to recommend any of the sanctions above or other remedial action at his or her discretion.

16.4. The Council shall appoint an Integrity Commissioner to investigate alleged breaches of this Code.