THE CORPORATION OF THE TOWNSHIP OF RIDEAU LAKES

BY-LAW NUMBER 2007-94

Being a By-Law to establish a Code of Conduct for the Township of Rideau Lakes.

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, authorizes Municipalities to establish Codes of Conduct for Members of the Council of the Municipality and of Local Boards of the Municipality;


AND WHEREAS The Council of the Corporation of the Township of Rideau Lakes deems it necessary to establish a Code of Conduct for Council;

NOW THEREFORE Council of the Corporation of the Township of Rideau Lakes hereby enacts as follows:

1. That Council does hereby adopt the Code of Conduct, attached hereto as Schedule “A”.

2. That Schedule “A” forms part of this By-Law.

3. That in the event that a section or sections of this By-Law thereof are found by a Court or competent jurisdiction to be invalid or ultra powers, such section, sections or parts thereof shall be deemed to be severable, with all other parts of this By-Law remaining in full force and effect.

4. That this By-law shall come into force and take effect upon receiving the final passing thereof.

Read a first and second time this 17th, day of December 2007.

Ronald E. Holman
Mayor

Diana G. Bressee
Clerk

Read a third time and finally passed this 17th day of December 2007.

Ronald E. Holman
Mayor

Diana G. Bressee
Clerk

Certified to be a true copy of the original

Date: July 4, 2016

Signature: ME Iuelowen

Title: Clerk - Township of Rideau Lakes
(2)

SCHEDULE “A” TO BY-LAW 2007-94

ACCOUNTABILITY AND TRANSPARENCY

Code of Conduct for Members of Council of The Corporation of the Township of Rideau Lakes.

PURPOSE OF THE CODE OF CONDUCT

The Code of Conduct sets minimum standards for the behavior of Council Members in carrying out their functions and has been developed to assist Council to:

- understand the standards of conduct that are expected of them and the law that applies in relation to these standards;
- Fulfill their duty to act honestly and exercise reasonable care and diligence;
- Act in a way that enhances public confidence in local government; and
- Identify and resolve situations which might involve a conflict of interest or a potential misuse of position and authority.

STANDARDS OF CONDUCT

1. Members of Council shall at all times seek to advance the common good of the community which they serve.

2. Members of Council shall truly, faithfully and impartially exercise the Office to the best of their knowledge and ability.

3. Members of Council shall refrain from misbehavior that could constitute an act of disorder or misbehavior. Specifically, Council officials shall refrain from conduct that:

   - Contravenes Federal or Provincial Statutes or Legislation, the Municipal Act, Municipal By-Laws, Associated Regulations and the Township’s Code of Conduct.
   - Is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse or the adverse treatment of others.
   - Prejudices the provision of a service or services to the community.
C. CONDUCT TO BE OBSERVED

1. Release of Confidential Information

Members of Council have a duty to hold in strict confidence all information concerning matters dealt with at closed meetings or that is determined to be confidential by the CAO, Clerk or as specifically declared by Council. A Member of Council shall not, either directly or indirectly, release, make public or in any way divulge any such information or any aspect of the “Closed Session” deliberations to anyone, unless expressly authorized by Council or required by By-Law to do so.


b. Members of Council shall not release information subject to Solicitor-Client privilege, unless expressly authorized by Council or required by By-Law to do so.

c. Members of Council shall not misuse confidential information (information that they have knowledge of by virtue of their position as Councillor that is not in the public domain, including e-mails and correspondence from other Members of Council or third parties) such that it may cause detriment to the Corporation, Council or others, or benefit or detriment to themselves or others.

d. All closed meeting materials shall be collected at the end of each Closed Session by the Clerk or CAO.

2. Foster Respect for Decision-making Process

All Members of Council shall accurately and adequately communicate the attitudes and decisions of the Council, even if they disagree with Council's decision, such that respect for the decision-making process of Council is fostered.

3. Release of Information to Public and Media

Members of Council acknowledge that Official information related to decisions and resolutions made by Council will normally be communicated to the community and the media by the Council as a whole or the Mayor as Head of Council or by those so designated.

4. Acceptance of Gifts

Council members shall comply with the Municipal Conflict of Interest Act and must not accept a gift or personal benefit that is connected with their performance of the duties of office. This does not include gifts or personal benefits received as a matter of the protocol or social obligations that normally accompany the responsibility of office.
5. Engaging in Incompatible Activity

Members of Council shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties in the public interest.

Without limiting the generality of the foregoing, Members of Council shall not:

a. Use any influence of Office for any purpose other than official duties;

b. Act as an agent before Council or any Committee, or Board of Council;

c. Solicit, demand or accept the services of any Corporation, employee, or individual providing services to the Township at a time in which said person or Corporation is being paid by the Township;

d. Use any information gained in the execution of Office that is not available to the general public for any purpose other than for official duties;

e. Place themselves in a position of obligation to any person or organization which might benefit from special consideration or may seek preferential treatment;

f. Give preferential treatment to any person or organization in which a Member or Members of Council have a financial interest;

g. Influence any administrative or Council decision or decision-making process involving or affecting any person or organization in which a Member or Members of Council have a financial interest; and

h. Use Corporate materials, equipment, facilities or employees for personal gain or for any private purpose.

6. Conflict of Interest – Pecuniary Interest

It is the responsibility of individual Councillors to ensure that they are aware of the application of the Municipal Conflict of Interest Act. The onus is on the Councillor to identify a conflict of interest, and shall take the appropriate action to identify the existence of a conflict in favour of his/her public duty.

a. A conflict exists when an individual is, or could be, influenced, or appear to be influenced by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgement, close mindedness or undue influence.
b. Council members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their public or professional duties in accordance with Statutory requirements. When considering whether or not a conflict exists, it is important to consider whether there are any grounds for a reasonable person to think that a conflict exists.

Recognizing that it is impossible to anticipate all possible conflicts that may arise during a Member's term of Office and, those conflicts may not be only pecuniary in nature, it is generally advisable to be as open as possible. It is not enough that a conflict not exist, it must also be seen by taxpayers not to exist.

The following principles should be used as a guide:

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

b. Always interpret the phrase "Conflict of Interest" in the broadest possible terms.

c. A factor which could be considered a conflict by taxpayers should be treated as a conflict and be disclosed by the member of Council.

d. If in doubt, it is better to disclose a situation.

e. It is the responsibility of individual Councillors to obtain independent legal advice with respect to any situation that might arise whereby there is a potential for a conflict of interest.

7. Avoidance of Waste

Members of Council shall avoid waste, abuse and extravagance in the provision or use of public resources, and shall expose fraud and corruption of which the Member of Council is aware.

D. 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, corporate employees, individuals providing services on a contract for service, students on placements, 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, religious affiliation or faith, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability.

4. **Protection of Privacy**

Councillors shall comply with the Municipal Freedom of Information and Protection of Privacy at all times. Public comments, discussions and disclosures to the media regarding employees or individuals that breach a person's privacy is deemed to be a contravention of this Code of Conduct.

**E. ALLEGATIONS, BREACHES AND DISCIPLINARY ACTIONS**

All Members of Council shall abide by the requirements of this Code of Conduct.

An Investigator has been appointed by By-Law, reports to Council, and shall be responsible for performing in an independent manner in accordance with the Municipal Act 2001, as amended. A request for investigation into an alleged breach may be made in writing to the Investigator for the Township setting out the following perimeters:

i. Name of Council Member who breached the Code of Conduct;

ii. Details setting out specific breach and how committed.

The investigator will investigate allegations, and may at his/her discretion refuse to investigate allegations that he/she deems to be frivolous or vexatious.

The Investigator shall:

a. Investigate within 30 days of receipt of a formal request and prepare a written report and recommendation for Council. Additional time may be requested and granted by a resolution of Council for considering various circumstances including vacation, access to information and complexity of investigation.

b. Determine if a member or members of Council have committed a breach of this Code,

c. Recommend disciplinary action including penalties and or sanctions as set out in the Municipal Act.

The Investigator may consult with Legal Counsel as might be required with the assistance of the CAO or in the absence of the CAO, the Clerk, in determining points of law in executing their duties in this Code of Conduct.
G. IMPLEMENTATION

1. At the beginning of each term, it is anticipated that Members of Council will sign two copies of the Code of Conduct Document (one for themselves and one for the Clerk) to convey to each other and all stakeholders that they have read, understand and accept it as set out in Schedule "B" attached hereto.

2. A Code of Conduct component will be included as part of the orientation workshop for each new Council.

3. Council Members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis.
Schedule "B"

A Code of Conduct for Council Members

2014-2018

COMMITMENT OF THE COUNCIL MEMBERS

We the Members of the Township of Rideau Lakes are committed to observing this Code of Conduct.

[Signatures]

Mayor

[Signatures]

Councillor Ward 1

Councillor Ward 2

Councillor Ward 3

Councillor Ward 4

Councillor Ward 5