



Policies & Procedures Manual

Section:	3.0 Human Resources	Date:	October, 2007
Policy:	Code of Conduct for Council Policy	Pages:	2
By-Law:	2007-105	Revision:	

Coverage: This policy applies to the Council for the Township of Huron-Kinloss in the exercise of power or the performance of a duty while acting as a member of Council for the municipality.

Policy Statement: A “Code of Conduct” for Members of Council has been prepared for their personal review and reference so as to;

- Augment communication to the public in the role and integrity of municipal; politicians in the Township of Huron-Kinloss
- To provide present and future Councils with additional assistance and guidelines as they perform their elected duties and responsibilities, and
- To assist Members of Council in providing leadership by example to staff

This Policy is to be viewed by each Member of Council as a valuable resource and guideline to assist them in fulfilling their mandate in an effective, open and efficient manner.

The Township of Huron-Kinloss Members of Council fundamentally understand that;

- the proper operation of democratic and representative municipal government requires that they be independent, impartial and responsible to the people,
- there are open and proper channels for decision making and approval of policy,
- conflicts between private interests and public responsibilities are unacceptable and must be avoided, and
- as leaders of the community, they are held to a higher standard of behaviour and conduct.

Legislative Authority: *Part V.1, Accountability and Transparency, Section 223.2 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended*

Contents: ***Responsibilities of a Council Member***

A Council member shall undertake at all times to:

1.0 STATEMENT OF THE GENERAL DUTIES OF COUNCIL MEMBERS

The general duties of Council Members are to act honestly and with reasonable care and diligence in the performance and discharge of official functions and duties.

Council Members must not make improper use of information acquired or make improper use of their position as a Member of Council.

2.0 STATEMENT OF COMMITMENT

We the Members of the Township of Huron-Kinloss Council are committed to discharging our duties conscientiously and to the best of our ability.

In the performance of our community role we will act with honesty and integrity and generally conduct ourselves in a way that both generates community trust and confidence in us as individuals and enhances the role and image of the Council and Local Government generally.

In addition to all legislative requirements, we the Members of the Township of Huron-Kinloss Council have adopted the requirements of this code of conduct and ethics as standards that we will adopt in the performance of our role.

3.0 PRINCIPLES OF THIS CODE OF CONDUCT

A Member of Council must act in a fair, honest and proper manner according to the law. Although areas of ethical exposure are generally consistent and understood in municipal governance, the following areas and guidelines have been specifically identified in our community, as being paramount to the municipal political process;

- I. **Roles and Responsibilities**
- II. **Use of Information**
- III. **Communications and Media Relations**
- IV. **Relationships with Staff**

- V. **Gifts and Benefits**
- VI. **Conflicts of Interest – Pecuniary Interest**
- VII. **Use of Corporate Property**
- VIII. **Transparency**
- IX. **Outside Work or Business Activities**

I. Roles and Responsibilities

Council is to read and respect the guidelines contained in the **Roles and Responsibilities of Council and Senior Management Document (Schedule “B”)** and each Council Member must act with reasonable care and be diligent in the performance of his or her **role and responsibilities**:

II. Use of Information

In their decision making process, Members of Council are sometimes privy to information which may be confidential or controversial such as, but not limited to "Closed/In Camera" meetings. It is expected that they will;

- Use "insider" information appropriately, so as not to be used to their personal advantage
- Use confidential information appropriately so as not to cause detriment or benefit to others
- Respect the status of confidential (personnel, legal, property acquisition) information until the matter ceases to be confidential as determined by Council
- 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 the Council
- Only release information according to the provisions of the Municipal Freedom of Information and Protection of Individual Privacy Act.

III. Communications and Media Relations

Members of Council will accurately and adequately communicate the attitudes and decisions of The Township of Huron-Kinloss Council, even if they disagree with a majority decision of Council so that;

- There is respect for the decision making processes of Council
- 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**.
- Information concerning adopted policies, procedures and decisions of the Council is conveyed openly and accurately.

- Confidential information will be communicated only when and after determined by Council.

IV. Relationships with Staff and Other Members of Council Members of Council will;

- Read and respect the guidelines contained in the "Roles and Responsibilities of Council and the Senior Management" (Schedule "B") document.
- Acknowledge that only Council as a whole has the capacity to direct staff members to carry out specific tasks or functions.
- 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.
- Refrain from publicly criticizing individual members of staff in a way that casts aspersions on their professional competence and credibility.
- Council is to read and respect the guidelines contained in the Hiring Policy as enacted by by-law by Council. Each Council Member must act with reasonable care and be diligent in the performance of his or her responsibilities with respect to the Hiring Policy of the Municipality.

V. Gifts and Benefits

Members of Council will only;

- Accept gifts, hospitality or entertainment of a nominal value that could not be reasonably construed as being given in anticipation or recognition of special consideration by the Corporation.
- Accept hospitality or entertainment if the offer is infrequent (less than 2 or 3 times a year) and appropriate to the occasion. In these circumstances it is assumed that the nature of the business discussed is important enough to the Municipality that reciprocal arrangements should openly be made and charged to the Municipality.
- Members of Council will; acknowledge that the Mayor will in his/her role, periodically receive and distribute ceremonial or other similar items

VI. Conflicts of Interest – Pecuniary Interest

Members of Council will recognize their obligations to;

Follow and respect both the letter and spirit of the provisions of the Municipal Act and the Municipal Conflict of Interest Act, 1994, as amended from time to time, and will disclose other interests which may not necessarily be of a pecuniary nature.

VII. Use of Corporate Property

Members of Council will;

- only use corporate property, equipment, supplies or services of consequence, for activities connected with the discharge of official duties or associated community activities having the sanction of Council or its Committees.

VIII. Transparency & Openness in Decision Making

Members of Council will endeavour to;

- conduct and convey Council business in an open and public manner (other than for those decisions of a personnel, legal or property acquisition matter as outlined in the Municipal Act 2001, c.25, s. 239(2)) so that stakeholders can obtain the process, logic and rationale which were used to reach conclusions or decisions.

IX. Outside Work or Business Activities

- Council may not engage in any outside work or business activity:
 - (a) that conflicts with their duties as a member of Council;
 - (b) which uses their knowledge of confidential plans, projects or information about the holdings of the corporation; and
 - (c) that will, or is likely to, negatively influence or affect them in carrying out their duties as a member of Council.

5.0 PUBLIC INPUT

Council will periodically use formal and informal opportunities to seek public input as a component of the decision making process which have broad impacts on the community. The purpose of the exercise will be to provide stakeholders with a mechanism to provide opinions and advice so that the widest range of views and information is available before final decisions are made.

6.0 PROFESSIONAL DEVELOPMENT

Members of Council have an obligation to promote, support, pursue and partake in opportunities for professional development, including but not limited to;

- AMO Conference
- Ministry of Municipal Affairs and Housing seminars
- Provincial Professional Association Training Institutes (OGRA, AMCTO, etc.)
- Provincial Municipal Council orientation sessions
- Council Members are encouraged to stay updated on issues and trends so that they can be as efficient and effective as possible in the carriage of their duties and responsibilities.

7.0 COUNCIL'S OBJECTIVES:

Council is to read and respect the guidelines contained in the **Roles and Responsibilities of Council and Senior Management Document (Schedule "B")** and Council Members and employees will seek to achieve a team approach in an environment of mutual respect, trust, and acceptance of their different roles in achieving the Council's objectives contained the Roles and Responsibilities of Council and Senior Management.

8.0 IMPLEMENTATION

At the beginning of each term, Members of Council will be expected to sign two copies of the Code of Conduct Document (one for themselves and one for the Clerk's Office) to convey to each other and all stakeholders that they have read, understand and accept it. A Code of Conduct component will be included as part of the orientation workshop for each new Council. 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.

9.0 FURTHER INFORMATION

Members of the public may inspect this Code of Conduct for Council Members at the Township of Huron-Kinloss Municipal Office located at 21 Queen Street Ripley, Ontario and, may upon payment of a fee obtain a copy.

Any enquiries in relation to this Code of Conduct should be directed to:

Clerk
The Township of Huron-Kinloss
Box 130
21 Queen Street
Ripley, Ontario
1-519-395-3735

10.0 STATEMENT OF ADOPTION AND REVIEW

This code of conduct was adopted by by-law # 2007-105 on October 15th, 2007.

Schedule "A" to By-law No. 2007-105

Appendix I

A Code of Conduct for Council Members

COMMITMENT OF THE COUNCIL MEMBERS

We the Members of the Township of Huron-Kinloss Council are committed to observing this Code of Conduct.

This Code of Conduct will be reviewed by the Township of Huron-Kinloss Council the year following a municipal election year.

Mayor

Deputy Mayor

Councillor

Councillor

Councillor

Councillor

Councillor

Schedule "A" to By-law No. 2007-105

Appendix II

A Code of Conduct for Council Members

COMPLIANCE WITH THIS CODE OF CONDUCT

a. Process for an investigation of an alleged breach of the code of conduct:

A request for an investigation into an alleged breach may be made in writing to the **Integrity Commissioner** for the Township of Huron-Kinloss 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

b. Responsibility for the investigation of any alleged breach:

- i. An Integrity Commissioner appointed by the Municipality

c. Method of investigation:

- i. The Integrity Commissioner appointed by the Township of Huron-Kinloss will investigate the alleged breach in an independent manner and report back to the Council.

d. Processes to protect the rights of the individual in the course of the investigation:

- i. The Commissioner and every person acting under the jurisdiction of the Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties of the investigation.
- ii. If the Commissioner provides a periodic report to council on his or her activities, the Commissioner may summarize advice he or she has given but shall not disclose confidential information that could identify a person concerned.

e. How a decision will be made and options for remedial action for any proven breaches:

- i. Decision of a breach, recommendations, and options for remedial actions will be made by the commissioner and will be submitted to Council.

f. Right to appeal against any decision:

- i. Decisions may be appealed in writing to the following:

The Integrity Commissioner for the Township of Huron-Kinloss

g. Penalties for a breach of the Code of Conduct:

- i. The Council of the Township of Huron-Kinloss may impose either of the following penalties on a member of Council if the Commissioner reports to the Council that, in his or her opinion, the member of Council has contravened the Code of Conduct:
 - 1) *A reprimand*
 - 2) *Suspension of the remuneration paid to the member in respect of his or her services as a member of council for a period of up to 90 days.*

Schedule “B” to By-law No. 2007-105

Roles and Responsibilities of Council and Senior Management

POLICY

The Township of Huron-Kinloss recognizes that defining clear operational and strategic roles for Council and senior management is an essential management practice. Based on this direction a working governance model was developed that is specifically designed for the Township of Huron-Kinloss.

ROLE OF COUNCIL

Key Roles or Functions of Council

- Establish and evaluate policies and programmes that define the strategic priorities to be achieved, the parameters within which the CAO and staff are to operate, Council – Executive relations, and Council processes.
- Ensure that high quality municipal services and programs are provided in a cost-effective manner and to determine which services the municipality provides.
- Balance the diverse values, aspirations, priorities and competing interests of the community.
- Market and promote the Township of Huron-Kinloss as a great place to live, work and vacation.
- To ensure that administrative and controllership policies, practices and procedures are in place to implement the decisions of council.
- To maintain the financial integrity of the municipality.
- To carry out the duties of council as defined in the Municipal Act or any other Act.
- Understand and give proper consideration to legal requirements
- Act in a reasonable, just and non discriminatory behaviour in all aspects carrying out their roles and responsibilities.
- Act good faith and not for improper or ulterior motive
- Behave in a manner that maintains and enhances the image of our Council and does not reflect adversely on the Council
- Follow guidelines as to the appropriateness of the acceptance of gifts and gratuities
- Be impartial in reaching Council decisions and acceptance of the responsibility associated with that decision.
- Be honest and claim reasonable and fair reimbursement of expenses and usage of Council equipment for official purposes.
- Appropriate and proper use of information, balancing the interests of the community against the rights of the individual.
- Attendance and participation in Council meetings, apologizing or obtaining leave of absence in advance for non attendance.
- The proper consideration of the business of the Council and being informed on the matters for decision.
- The fair and equitable treatment of all matters under consideration.
- Respect for decisions of the Council.
- Careful consideration to the allocation of resources and expenditure.
- Council Members recognize that their mandate incorporates tasks to include;
 - *Fairly representing the diversity of community views in developing an overall strategy for the future of our Municipality*
 - *Setting objectives and determining strategies to achieve Council's Corporate objectives.*
 - *Achieving sound financial management, planning and accountability.*
 - *Being aware of and conversant with the statutory obligations imposed on Council as a whole, as well as each individual Member of Council.*
- Council Members must be fair and honest in their dealings with individuals and organizations and behave in a manner that facilitates constructive communication between the Council and the community.

Key Objectives of Council

Council members must be courteous and demonstrate sensitive behavior that does not discriminate against people.

Council members must be aware and disclose of any situation that may create a tension between public and private roles.

Council members must show respect for electors opinions and property.

Council members must prevent the misuse of his or her position to gain an advantage for themselves or others.

Council members are to recognize that an individual Council Member has no authority to make decisions, direct staff or commit Council resources.

When representing the Council in the Community, Council will:

- a. provide an accurate and fair representation of Council decisions.
- b. recognize that Council Members have a duty to respect Council decisions and policy directions.
- c. conduct themselves in a manner that will not reflect unfavorably on the Council.
- d. maintain mature and constructive working relationships based on mutual trust and respect.
- e. conduct the relationship with courtesy and respect.
- f. accept and respect their different but complementary roles

Council's objectives when dealing with employees; Council will:

- a. demonstrate respect for employees' professional opinion and expertise.
- b. have an agreed communication process.
- c. prevent the misuse of their position to influence employees to gain an advantage for themselves or others.

Members will establish a working relationship with fellow Members that recognizes and respects the diversity of opinion and achieves the best possible outcomes for the community as set out below:

- a. conduct the relationship with courtesy and respect.
- b. maintain behaviour that seeks to establish mature and constructive working relationships.
- c. the right of all points of view to be heard.
- d. information obtained by a Member as a result of his or her role is not to be used for any purpose other than Council business
- e. clear and concise guidelines for the making of public statements on behalf of the Council
- f. recognition that in their relationships with the media the Member is putting forward personal views and not those of the Council unless the individual has been specifically authorized by the Council to convey a particular position to the media personal comments being clearly identified
- g. Information given in relation to the Council or Council decisions should be accurate and not be a misuse of information.
- h. respect for and maintenance of confidentiality

Information obtained by a Member in the course of his or her duties is respected and used in a careful and prudent manner.

COUNCIL TEAM VISION

The Township of Huron-Kinloss serves the community through the provision of effective, responsible, and visionary leadership. The Council will:

- focus on achieving a common vision and goals for the municipality;
- make sound, effective, and timely decisions based upon objective data and open debate of issues;
- develop and maintain a climate where integrity, mutual support, trust, and professionalism are valued;
- utilize the diverse knowledge, expertise and talents of all Council members to optimal advantage;
- conduct its activities in an orderly, professional and businesslike manner;
- benefit from strong and effective leadership from the Mayor and individual Council members;
- value collegiality, teamwork and a sense of humor;
- enjoy the benefits of effective communication and open sharing of information among its members;
- balance effective diverse values, aspirations and competing interests within the community; and
- work effectively in partnership with a capable executive and staff to provide excellent service to residents and customers.

COUNCIL MEMBER COMMITMENTS

Priority Setting and Decision-making

Council will utilize a strategic management approach to set directions for the municipality. This will involve:

- environmental scanning to identify major internal and external issues and developments likely to impact the municipality's operating environment;
- public, community and staff input processes to identify emerging issues and concerns;
- annual Council/Senior Management planning sessions to establish strategic priorities and related key results and strategies;
- development of strategic priorities and the allocation of resources to support implementation;
- ongoing monitoring of implementation to ensure continued relevance and make mid course corrections as a result of unforeseen circumstances;
- assessment of progress made against established key results or performance measures.

Council members will use rational, objective decision-making processes that are supported by appropriate research of options, administrative recommendations, external resources, if required, and a thorough review of implications.

Decisions will be made in a timely fashion with due consideration being given to the impact of the decision on individual wards as well as the municipality as a whole.

Diverse opinions, views, and creative ideas will be considered and evaluated as part of the decision-making process.

Communications With the Media and the Public

- Open and thorough public debate of major issues will be encouraged –“no muzzles”.
- Council members will be honest and respectful of each other in their communications with the public and the media.
- Council members will stay focused on issues when making public statements and issuing media releases.

- Council members will avoid public statements that pit one ward against another, or damage the reputation of Council or another Council member.
 - “Bad news” or failures will be dealt with in a forthright manner that includes identifying the problem, communicating the corrective action to be taken, and resisting the temptation to ascribe blame.
 - Council members will give their colleagues prior notice regarding the content and timing of any planned media releases.
 - For major issues, Council will attempt to reach collective agreement on the common themes to be communicated.
 - A designated media spokesman for the Council on major policy issues will be established. (E.g. Formal press releases on major policy decision taken by Council will be issued **from the Clerk’s office in conjunction with the Mayor.**)
 - Council members will attempt to communicate a sense of Council Team, share credit for successes and position Council and the Corporation positively.
 - Confidential and privileged information will not be disclosed.
- Once Council makes a decision, Council members will respect the legitimacy of the decision and not attempt to undermine its implementation.*

Council Member Relationships – Resolving Conflicts

- Council members will deal with conflicts in a timely and issues focused manner; i.e., significant conflicts and problems will not be ignored.
- Council members will respect each others’ time and honour commitments made.
- Council members will listen, not just react. Creation of a “shared feeling of a fair hearing” for all parties will be a priority.
- All Council members will have equal access to available information relevant to the issue or decision.
- Council members will embrace/encourage constructive disagreement and discussion while avoiding/discouraging destructive conflict.
- Resolution of conflicts and disagreements will include an assessment of the objectives to be achieved, open discussion of diverse views, additional research and professional advice as appropriate and a focus on doing what is in the best interests of the municipality.
- Council members will make reasonable attempts to build consensus on issues, and failing that they will respect the majority vote of Council.

Relationships With Administration and Staff

- The policy development role of Council and operational/implementation role of Administration will be respected.
- Council members will not attempt to direct the activities of staff or departments except through established channels of authority.
- Staff skills, expertise, and contributions to the municipality will be recognized and appreciated.
- Council members will direct any criticisms of staff through the Administrator and refrain from criticizing staff in public or to the media.

Monitoring Council Effectiveness

Council will measure its success against pre-established indicators including:

- levels of satisfaction with municipal services and programs;
- ability to resolve emerging issues and challenges;
- quality of fiscal stewardship as measured by adherence to financial plans and targets; economic development and growth statistics;
- how Council and the municipality are perceived by business, development industry, residents, other levels of government;
- ability to influence policy decisions through effective representation on important regional and provincial committees, institutions, leadership initiatives; and
- comparison of performance with other municipalities on key benchmarks. Council will review its performance periodically in relation to its council team vision and commitments.

SENIOR MANAGEMENT ROLES:

ADMINISTRATOR

Directing and Leading:

Inspires, motivates, and communicates a direction and vision for the organization.

Planning:

Responsible for ensuring the development of **strategic priorities** as well as operational planning and budget development.

Organizing:

Organize an internal structure and process to deliver the organization's services.

Staffing:

Recruiting, deploying, supervising, compensating, developing, reprimanding and terminating staff.

Controlling:

Monitors, measures, corrects, and controls the expenditure of the current budget.

SENIOR MANAGEMENT EXPECTATIONS OF COUNCIL

The Administrator and Senior Management Staff have the right to expect the following from Council:

- Clear expectations, strategic directions and policy for the executive
- Clearly defined operational role -- adequate authority and freedom to manage the day-to-day operations of the municipality.
- Support for reasonable decisions made by the executive
- Timely information regarding emerging issues and community concerns
- Acceptance that staff recommendations may not reflect the political preferences of some Council members.

COUNCIL/SENIOR MANAGEMENT RELATIONSHIP

Council has a right to expect the following from the Senior Management:

- Vision, leadership, administrative competence, and political sensitivity
- A focus on creating a strong Council/Executive Team
- Accountability, including effective and timely monitoring and reporting re: finances, major activities and results
- Recognition that council may not accept a recommendation for political reasons and understanding that this should not be taken as a negative reflection on administration.