

CORPORATION OF THE CITY OF CLARENCE-ROCKLAND

BY-LAW 2019-40

BEING A BY-LAW TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF MUNICIPAL COUNCIL, COMMITTEE MEMBERS AND VOLUNTEERS COMPLAINT PROTOCOLS, ADVICE REQUEST PROTOCOL AND TO ADOPT A COUNCIL AND STAFF RELATIONS POLICY.

WHEREAS the *Municipal Act 2001*, S.O. 2001, c 25, Section 223.2 (1) provides that a municipality shall establish codes of conduct for members of the council of the municipality and its local boards; and

WHEREAS the *Municipal Act 2001*, S.O. 2001, c 25, Section 223.3 authorizes a municipality to appoint an Integrity Commissioner who reports to Council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to any or all of the responsibilities set out in section 223.3 of the *Municipal Act*, including, but not limited to, the application of the Code of Conduct for Members of Council; and

WHEREAS the *Municipal Act 2001*, S.O. 2001, c 25, Section 270 (1), subsection 2.1 provides that a municipality shall adopt and maintain a policy with respect to the relationship between members of council and the officers and employees of the municipality; and

WHEREAS the Council of the Corporation of the City of Clarence-Rockland deems it expedient and necessary to adopt a revised Code of Conduct for Council, establish a Code of Conduct for Committees and Volunteers, establish Complaint Protocols and establish a Council and Staff Relations Policy;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND ENACTS AS FOLLOWS:

1. That the Council Code of Conduct, attached hereto and forming part of this by-law as Schedule "A", is hereby established and adopted.
2. That the Complaint Protocol for the Council Code of Conduct, attached hereto and forming part of this by-law as Schedule "B", is hereby established and adopted.
3. That the Committee and Volunteer Code of Conduct, attached hereto and forming part of this by-law as Schedule "C", is hereby established and adopted.

4. That the Complaint Protocol for the Committee and Volunteer Code of Conduct, attached hereto and forming part of this by-law as Schedule "D", is hereby established and adopted.
5. That the Council and Staff Relations Policy, attached hereto and forming part of this by-law as Schedule "E", is hereby established and adopted.
6. That the Council Request for Advice Protocol/Form, attached hereto and forming part of this by-law as Schedule "F", is hereby established and adopted.
7. That By-law 2013-116 is hereby repealed upon the adoption of this by-law.
8. That this By-law shall come into force and take effect on the day of its passing.

READ, PASSED AND ADOPTED IN OPEN COUNCIL THIS 15TH DAY OF APRIL 2019.



Guy Desjardins, Mayor



Monique Ouellet, Clerk

Council Code of Conduct

1.0 Policy Statement

The City of Clarence-Rockland is committed to setting a high standard of conduct for Members of Council in order to provide good governance and a high level of public confidence in the administration of the City by its Members as duly elected or appointed public representatives to ensure that they operate from a foundation of integrity, transparency, justice, truth, honesty and courtesy.

2.0 Purpose

The purpose of this Code of Conduct is to establish a general standard to ensure that all Members share a common basis for acceptable conduct, and to which all Members are expected to adhere to and comply with.

3.0 Scope

This Code of Conduct applies to Members of Council. It may be extended to Members of Local Boards as defined in Section 223.1 of the *Municipal Act, 2001*

4.0 Definitions

- a) "Agent" means a representative who acts on behalf of other persons or organizations, but does not include Members performing official duties;
- b) "Assets" means all property of the City, including equipment, financial assets, facilities, land, vehicles, material, paper and electronic documents, inventories, tools, electronic equipment, computers, email, internet services and intellectual property;
- c) "By-Law" means a regulation passed by Council for the government of its affairs;
- d) "Chief Administrative Officer" or "CAO" means the senior executive appointed by Council who is responsible for managing the City;
- e) "City" means the Corporation of the City of Clarence-Rockland.
- f) "Clerk" means the person as appointed by Council pursuant to Section 228 of the *Municipal Act, 2001*
- g) "Confidential Information" means:
 - i. Information in the possession of, or received in confidence by the City, that it is prohibited from disclosing, or has decided to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act*;
 - ii. A matter that has been debated or discussed at a meeting of Council closed to the public, unless the matter is subsequently discussed in Open Session, or it is authorized to be released by Council;
 - iii. Information concerning litigation, negotiation, or personnel matters; and;
 - iv. Reports of consultants, draft documents and internal communications, which, if disclosed may prejudice the reputation of the City, its officers and employees, or its effective operation.

- h) "Employee" means a person employed by the City, including those employed on a personal services contract and volunteers but does not include Members.
- i) "Family Relationship or Interest » means a situation involving the interest of any family member, specifically:
 - i. spouse, including but not limited to common-law spouse and same-sex partner;
 - ii. child, mother, father, sibling, grandchild, grandparent, aunt, uncle, niece or nephew;
 - iii. parent-in-law or sibling-in-law;
 - iv. step-parent, step-sibling, or step-child;
 - v. parent or child in a relationship where the role of the parent has been assumed; or
 - vi. any person who lives with the Member on a permanent basis.
- j) "Head of Council" means the Mayor or delegate;
- k) "Integrity Commissioner" means a person or persons appointed by Council who is responsible for performing the functions as per section 223.3 of the *Municipal Act, 2001*.
- l) "Local Board" means a local board as defined in Section 223.1 of the *Municipal Act, 2001*.
- m) "Members" means a member of Council or a member of a Local Board.
- n) "Official Duties" means functions performed by Members necessary to provide responsible and accountable governance.
- o) "Personal Information" as defined in the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990 (MFIPPA)*, means recorded information about an identifiable individual and includes:
 - i. Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
 - ii. Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relation to financial transactions in which the individual has been involved;
 - iii. Any identifying number, symbol or other particular assigned to the individual;
 - iv. The address, telephone number, fingerprints or blood type of the individual;
 - v. Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
 - vi. The views or opinions of another individual about the individual;
 - vii. The individual's name if it appears with other personal information relation to the individual or where the disclosure of the name would reveal other personal information about the individual.

5.0 Policy Requirements

5.1 Statutory Provisions Regulating Conduct

- a) This Code of Conduct complements the existing legislation governing the conduct of Members. The following federal and provincial legislation governs conduct:
 - i. *Municipal Act, 2001*
 - ii. *Municipal Conflict of Interest Act*
 - iii. *Municipal Elections Act, 1996*
 - iv. *Municipal Freedom of Information and Protection of Privacy Act*
 - v. *Provincial Offences Act*
 - vi. *Ontario Human Rights Code*
 - vii. *Criminal Code of Canada.*
- b) Complaints regarding statutory matters outlined in 5.1 a), should be directed to the appropriate process or authority. In the case of any inconsistency between this Code of Conduct and Federal or Provincial statute or regulation, the statute or regulation shall prevail
- c) Members will follow by-laws, policies and decisions of Council as adopted and amended from time to time.

5.2 General Principles and Values

- a) Members shall act in accordance with his/her declaration of office;
- b) Members will respect the role of Council as set out in the *Municipal Act, 2001*;
- c) Members will support the mission, vision and values of the City.
- d) Members will respect the decision-making process of Council by accurately communicating the decision reached by majority of Council, even if they disagree with the outcome.
- e) Members will maintain professionalism, integrity, respect, and trust.
- f) Members will promote open, accountable and transparent local government.
- g) Members will encourage public respect for the City, its by-laws and policies

5.3 Standards of Behaviour and Conduct

5.3.1 Respect and Dignity

- a) Members have a duty to treat members of the public, one another, and staff with respect and without abuse, bullying or intimidation.
- b) Members will ensure their work environment is free from discrimination and harassment.
- c) Members will conduct themselves according to legislative

requirements, including the municipal workplace harassment and violence policies.

- d) Members will observe decorum and conduct themselves as outlined in the procedural by- law.
- e) Members will refrain from public criticism of other Members, staff or any other person that questions their professional reputation, competence and credibility.

5.3.2 Conduct Respecting Staff

- a) Members will be respectful of the fact that staff work for the City and are charged with making recommendations and advice based on political neutrality that reflects their professional expertise and objectivity, without undue influence from any individual member or group of members.
- b) Members acknowledge that only Council as a whole, in a duly called meeting with a quorum present, has the capacity to direct staff members.
- c) Members recognize that the Chief Administrative Officer is the only staff person directly reporting to Council. Members will direct any concerns respecting staff through the Chief Administrative Officer.
- d) Members of Council will not:
 - i. Maliciously or falsely injure the professional or ethical reputation of staff;
 - ii. Compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities; or
 - iii. 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.

5.3.3 Gifts, Benefits and Hospitality

- a) Members will not accept a fee, advance, gift or personal benefit connected directly or indirectly to the performance of duties, unless permitted by law.
- b) Members will make decisions free from the influence of gifts, favours, hospitality, and entertainment.
- c) Members will decline any personal gift where the acceptance of

such gift may imply a contractual agreement with or obligation to the donor.

- d) Notwithstanding a), b), and c), Members may accept tokens, mementoes, souvenirs, or such gifts or benefits up to and including a value of \$300.00 that are received as a result of the responsibilities of the office. Tokens, mementoes, souvenirs or gifts with a value greater than \$300.00 shall be the property of the City.
- e) Exceptions outlined in Section 5.3.3 d) must be reported to the Clerk by the Member in writing using Form 2. These exceptions will be reported to Council on an annual basis, at the end of the year.
- f) Members will not seek or obtain by reason of their office any personal privilege or advantage with respect to municipal services not otherwise available to the general public and not following as a result of official duties.

5.3.4 Use of Municipal Assets

- a) Members may only use municipal property, equipment, services or supplies of consequence for official duties or associated community activities, unless previously approved by Council.
- b) Members will comply with corporate policies related to the use of municipal assets, including but not limited to municipal vehicles, municipally owned computers, internet and email.
- c) Members will not seek or gain personal benefit from the use of municipally developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the City.

5.3.5 Confidentiality, Privacy and Use of Information

- a) All information, documentation or deliberations received, reviewed or taken in closed session meetings are confidential, except as otherwise directed by Council.
- b) Members will 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.
- c) Requests for information should be referred to the Clerk to be addressed in conformity with the *Municipal Freedom of Information*

and Protection of Privacy Act.

- d) Members will follow the established practices within the City for closed meeting materials.
- e) Members will not use information gained in the execution of their duties that is not available to the general public for any other purpose.

5.3.6 Personal and Political Interests

- a) Members will not use municipal facilities, services or property for personal business gain.
- b) Members will not use the services of employees for personal business during the hours in which the employees are in the paid employment of the City.
- c) Members will not use municipal resources for political purposes, including re-election, in conformity with municipal policy and in compliance with the *Municipal Elections Act*.
- d) Members will not 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.
- e) Members will not act as a paid agent before Council or its committees, agencies or boards.
- f) Members will recognize their obligations to follow and respect both the letter and the spirit of the provisions of the *Municipal Act, 2001* as amended and the *Municipal Conflict of Interest Act*, or successor legislation.
- g) Members shall not attempt to influence any outcome or decision regarding or based on a family relationship or interest.

Council Code of Conduct

Complaint Protocol

1.0 Informal Complaint:

Any individual who identifies or witnesses behaviour or activity by a Member that appears to breach the Code of Conduct may pursue the following informal complaint process or proceed directly to filing a formal complaint as defined in section 2:

- a) Advise the Member that the behaviour or activity appears to breach the Code of Conduct;
- b) Encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity;
- c) Document the incidents including dates, times, locations, other persons present, and any other relevant information;
- d) Request the Head of Council or designate to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue;
- e) If applicable, confirm satisfaction with the response of the Member, or if applicable, advise the Member of dissatisfaction with the response; and
- f) Consider the need to pursue the matter in accordance with the formal complaint procedure outlined in section 2.

2.0 Formal Complaint:

Any individual who identifies or witnesses behaviour or an activity by a Member that they believe is in contravention of the Code of Conduct may file a formal complaint in accordance with the following:

- a) All formal complaints shall be made in writing either by using Form 1, or by providing all of the information requested therein, originally signed and filed with the Clerk. All complaints filed with the Clerk will be forwarded directly to the Integrity Commissioner.
- b) The complaint must set out reasonable and probable grounds for the allegation that the Member has contravened the Code of Conduct.
- c) The identity of the complainant shall be protected.
- d) The Integrity Commissioner shall follow a process similar to that depicted in diagram 1 for all complaints received.
- e) If a report is warranted by the Integrity Commissioner, the Integrity Commissioner and/or the Clerk will protect any personal information about the complainant.
- f) Council will review the report of the Integrity Commissioner in closed session due to personal matters about an identifiable individual being the complainant.
- g) Determination of any reprimand will be completed in open session. Council will report out in open session and Council will state its reasons for the decision. If Council decides there was a breach in the code of conduct, Council will decide if there will be a penalty as may be imposed under section 223.4(5) of the *Municipal Act, 2001*.

Committee and Volunteer Code of Conduct

1.0 Policy Statement

The City of Clarence-Rockland values the important contribution of its volunteers, including Advisory Committee members, which are appointed by Council. This Code is intended to ensure that Volunteers and Advisory Committee members carry out their duties with respect, integrity, transparency, justice, truth, honesty and courtesy.

2.0 Purpose

The purpose of this Code of Conduct is to establish a general standard to ensure that all volunteers, including Advisory Committee members share a common basis for acceptable conduct, and to which they are expected to adhere to and comply with.

3.0 Scope

This Code of Conduct applies to persons who volunteer with the City of Clarence-Rockland in a formal way, including Advisory Committees, sub-committees, Task Force and Working Group members. This policy does not apply to members of Council, Local Board, Clarence-Rockland Public Library Board, staff or volunteer firefighters, who must adhere to their own Codes of Conduct.

4.0 Definitions

- a) "Advisory Committee" means a body, primarily made up of citizen appointees with one member of Council serving as Liaison. Providing advice to Council and staff on an area of expertise. The work of the advisory committee is undertaken in keeping with Terms of Reference adopted by Council.;
- b) "By-Law" means a regulation passed by Council for the government of its affairs;
- c) "Chief Administrative Officer" or "CAO" means the senior executive appointed by Council who is responsible for managing the City;
- d) "City" means the Corporation of the City of Clarence-Rockland.
- e) "Clerk" means the person as appointed by Council pursuant to Section 228 of the *Municipal Act, 2001*.
- f) "Confidential Information" means:
 - i. Information in the possession of, or received in confidence by the City, that it is prohibited from disclosing, or has decided to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act*;
 - ii. A matter that has been debated or discussed at a meeting of Council closed to the public, unless the matter is subsequently discussed in Open Session, or it is authorized to be released by Council;

- iii. Information concerning litigation, negotiation, or personnel matters; and;
 - iv. Reports of consultants, draft documents and internal communications, which, if disclosed may prejudice the reputation of the City, its officers and employees, or its effective operation.
- g) "Employee" means a person employed by the City, including those employed on a personal services contract and volunteers but does not include members.
- h) "Family Relationship or Interest" means a situation involving the interest of any family member, specifically:
 - i. spouse, including but not limited to common-law spouse and same-sex partner;
 - ii. child, mother, father, sibling, grandchild, grandparent, aunt, uncle, niece or nephew;
 - iii. parent-in-law or sibling-in-law;
 - iv. step-parent, step-sibling, or step-child;
 - v. parent or child in a relationship where the role of the parent has been assumed; or
 - vi. any person who lives with the member on a permanent basis.
- i) "Head of Council" means the Mayor or delegate;
- j) "Integrity Commissioner" means a person or persons appointed by Council who is responsible for performing the functions as per section 223.3 of the *Municipal Act, 2001*.
- k) "Local Board" means a local board as defined in Section 223.1 of the *Municipal Act, 2001*.
- l) "Official Duties" means functions performed by volunteers sanctioned by the City of Clarence-Rockland.
- m) "Personal Information" as defined in the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990 (MFIPPA)*, means recorded information about an identifiable individual and includes:
 - i. Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
 - ii. Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relation to financial transactions in which the individual has been involved;
 - iii. Any identifying number, symbol or other particular assigned to the individual;
 - iv. The address, telephone number, fingerprints or blood type of the individual;
 - v. Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
 - vi. The views or opinions of another individual about the individual;
 - vii. The individual's name if it appears with other personal information relation to the individual or where the disclosure of the name would reveal other personal information about the individual.
- n) "Task Force or Working Group" means a body of limited duration established by Council through Terms of Reference to produce recommendations for

Council's consideration.

- o) "Volunteer" means a person who freely offers to take part in an activity, body or undertake a task on behalf of and sanctioned by the City of Clarence-Rockland, and includes Advisory Committees, sub-committees, Task Force and Working Group members.

5.0 Policy Requirements

5.1 Statutory Provisions Regulating Conduct

- a) This Code of Conduct complements the existing legislation governing the conduct of members of Council. The following federal and provincial legislation governs conduct:
 - i. *Municipal Act, 2001*
 - ii. *Municipal Conflict of Interest Act*
 - iii. *Municipal Elections Act, 1996*
 - iv. *Municipal Freedom of Information and Protection of Privacy Act*
 - v. *Provincial Offences Act*
 - vi. *Ontario Human Rights Code*
 - vii. *Criminal Code of Canada*.
- b) Complaints regarding statutory matters outlined in 5.1 a), should be directed to the appropriate process or authority. In the case of any inconsistency between this Code of Conduct and Federal or Provincial statute or regulation, the statute or regulation shall prevail.

5.2 General Principles and Values

- a) Volunteers will support the mission, vision and values of the City.
- b) Volunteers will respect the decision-making process of Council.
- c) Volunteers will maintain professionalism, integrity, respect, and trust.
- d) Volunteers will promote open, accountable and transparent local government.
- e) Volunteers will encourage public respect for the City, its by-laws and policies

5.3 Standards of Behaviour and Conduct

5.3.1 Respect and Dignity

- a) Volunteers have a duty to treat members of the public, one another, and staff with respect and without abuse, bullying or intimidation.
- b) Volunteers will ensure their work environment is free from discrimination and harassment.
- c) Volunteers will conduct themselves according to legislative requirements, including the municipal workplace harassment and violence policies.

- d) Volunteers will observe decorum and conduct themselves as outlined in the procedural by-law and/or Terms of Reference.
- e) Volunteers will refrain from public criticism that questions the professional reputation, competence, and credibility of Council, other volunteers, staff or any other person.
- f) Volunteers will protect and not divulge personal and confidential information obtained or encountered in the course of volunteering.

5.3.2 Conduct Respecting Staff

- a) Volunteers acknowledge that only Council as a whole, in a duly called meeting with a quorum present, has the capacity to direct staff members.
- b) Volunteers will be respectful of the fact that staff work for the City and are charged with making recommendations and provide advice based on political neutrality that reflects their professional expertise and objectivity.
- c) Volunteers will not:
 - i. Maliciously or falsely injure the professional or ethical reputation of staff;
 - ii. Use, or attempt to use, their influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties.

5.3.3 Conduct Respecting Advisory Committees, Sub-Committees, Task Forces and Working Groups

- a) Volunteers shall, when conducting committee business, preparing written correspondence, interacting with members of Council, the media, the public or staff, act in a manner that:
 - i. Fulfills the mandate and Terms of Reference of the body;
 - ii. Respects due process and the authority of the Chair and Council;
 - iii. Demonstrates respect for all fellow members, Council, the public, and staff;
 - iv. Respects and gives fair consideration to diverse and opposing viewpoints;
 - v. Represents the community and works with community members to bring forward their views;
 - vi. Demonstrates professionalism, transparency, accountability, and timeliness in completing any tasks or projects undertaken by the body;
 - vii. Conforms with all relevant legislation, by-laws, policies, and guidelines;

- viii. Contributes in a meaningful manner, offering constructive comments to Council, staff, and fellow members; and
 - ix. Supports committee recommendations.
- b) A member of an Advisory Committee, Sub-Committee, Task Force or Working Group shall not:
- i. Place themselves in a position where they could derive any direct personal benefit or interest from any matter about the member can influence decisions;
 - ii. Accord preferential treatment to relatives, or to organizations in which the member or a family member have an interest, financial or otherwise.
 - iii. Deal with an application to the City for a grant, award, contract, permit or other benefit involving the member or a family member;
 - iv. Place themselves in a position where the member is under obligation to any person who might benefit from special consideration or favour or who might seek preferential treatment in any way;
 - v. Benefit from the use of information acquired during the course of his or her official duties which is not generally available to the public; and
 - vi. Accept gifts, hospitality, or entertainment that could reasonably be construed as being given in anticipation or recognition of special consideration.
- c) An Advisory Committee, Sub-Committee, Task Force or Working Group member shall disclose immediately to the Clerk or Recording Secretary, any potential pecuniary interest.
- d) Despite b) and c), the City acknowledges that certain advisory committees are intentionally comprised of citizens representing business interests, organizations, or specific sectors. Therefore, a member's interest that arises as a result of this connection does not constitute a breach of b) or c).
- e) Where a Member believes they have a conflict of interest in a particular matter, they shall:
- f) Prior to any consideration, disclose their interest and the general nature thereof;
- i. Leave the room for the duration of time that the matter is being considered;
 - ii. Not take part in the discussion of, or vote on, any question or recommendation in respect of the matter; and
 - iii. Not attempt in any way, whether before, during or after the meeting, to influence the voting on any such question or recommendation.

Committee and Volunteer Code of Conduct Complaint Protocol

1.0 Informal Complaint:

Any individual who identifies or witnesses behaviour or activity by a volunteer that appears to breach the Code of Conduct may pursue the following informal complaint process or proceed directly to filing a formal complaint as defined in section 2:

- a) Advise the volunteer that the behaviour or activity appears to breach the Code of Conduct;
- b) Encourage the volunteer to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity;
- c) Document the incidents including dates, times, locations, other persons present, and any other relevant information;
- d) Request the Chair of the body, Head of Council or designate to assist in informal discussion of the alleged complaint with the volunteer in an attempt to resolve the issue;
- e) If applicable, confirm satisfaction with the response of the volunteer, or if applicable, advise the volunteer of dissatisfaction with the response; and
- f) Consider the need to pursue the matter in accordance with the formal complaint procedure outlined in section 2.

2.0 Formal Complaint:

Any individual who identifies or witnesses behaviour or an activity by a volunteer that they believe is in contravention of the Code of Conduct may file a formal complaint in accordance with the following:

- a) All formal complaints shall be made in writing either by using Form 1, or by providing all of the information requested therein, originally signed and filed with the Clerk. All complaints filed with the Clerk will be forwarded directly to the Integrity Commissioner.
- b) The complaint must set out reasonable and probable grounds for the allegation that the volunteer has contravened the Code of Conduct.
- c) The identity of the complainant shall be protected.
- d) The Integrity Commissioner shall follow a process similar to that depicted in diagram 1 for all complaints received.
- e) If a report is warranted by the Integrity Commissioner, the Integrity Commissioner and/or the Clerk will protect any personal information about the complainant.
- f) Council will review the report of the Integrity Commissioner in closed session due to personal matters about an identifiable individual being the complainant.
- g) Determination of any reprimand will be completed in open session. Council will report out in open session and Council will state its reasons for the decision. If Council decides there was a breach in the code of conduct, Council will decide if there will be a penalty.



REPORT N° CLERK2019-06

Date	01/04/2019
Submitted by	Monique Ouellet, Clerk
Subject	Code of Conduct, Complaint Protocol, Council and Staff Relations Policy
File N°	

1) **NATURE/GOAL :**

The purpose of this report is to recommend that Council's Code of Conduct be revised to ensure its compliance with new legislation and to further recommend that a Code of Conduct for committees and volunteers be established, and that a Complaint Protocol as well as a Council and Staff Relations Policy be adopted.

2) **DIRECTIVE/PREVIOUS POLICY :**

- By-law 2013-116, establishing a Code of Conduct

3) **DEPARTMENT'S RECOMMENDATION :**

THAT the Committee of the Whole recommends that Council adopts a by-law to establish a newly revised Code of Conduct for Council, a Code of Conduct for Committees and Volunteers, Code of Conduct Complaint Protocols, Request for Advice Protocol/Form, as well as a Council and Staff Relations Policy, as recommended in Report No. CLERK2019-06.

QUE le Comité plénier recommande que le conseil adopte un règlement pour établir un nouveau Code de déontologie pour les membres du conseil, un Code de déontologie pour les membres des comités et les bénévoles, des protocoles de plaintes relatifs au Codes de déontologie, un protocole/formulaire pour les requêtes d'avis, ainsi qu'une politique relative aux relations entre les membres du conseil et les employés, tel que recommandé au rapport no. CLERK2019-06.

4) **BACKGROUND :**

On May 30, 2017, Bill 68, received Royal Assent. At that time, Report No. CLERK2017-12, was presented to Council providing an overview of the new obligations imposed on municipalities through amendments to Ontario's municipal legislation including *the Municipal Act, 2001, the Municipal Conflict of Interest Act and the Municipal Elections Act, 1996*.

On March 4, 2019, Council appointed Mr. John Saywell as Integrity Commissioner for the City of Clarence-Rockland.

5) **DISCUSSION :**

The role and responsibilities of the Integrity Commissioner, as per section 223.3 (1) of the *Municipal Act, 2001, as amended* is to perform the following functions:

1. The application of the Code of Conduct members of Council and 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 Local Boards.
4. Requests from members of Council and Local Boards for advice regarding their obligations under the Code of Conduct applicable to the member.
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 the local board, as the case may be, governing the ethical behaviour of members.
6. Requests from members of Council and of Local Boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
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*.

Further to the appointment of the Integrity Commissioner, it is important for Council to review its Code of Conduct to ensure that it is compliant with the new legislative requirements. Instead of amending the current document, staff is proposing a new Code of Conduct for members of Council as well as for Committees and Volunteers for review and approval.

In addition, it is important to establish complaint protocols as well as establish a manner in which members of Council will proceed in order to obtain advice from the Integrity Commissioner.

Also, paragraph 2.1 of subsection 270(1) of the *Municipal Act, 2001*, provides that municipalities shall adopt and maintain a policy to govern the relations between members of Council and Staff. Therefore, a policy has been drafted and is being submitted for Council's consideration.

Council Code of Conduct

The Council's Code of Conduct Statement of Principles is intended to set a high standard of conduct for members in order to provide good governance and a high level of public confidence in the administration

of the Municipality by its members as duly elected or appointed public representatives to ensure that they each operate from a foundation of integrity, transparency, justice, truth, honesty and courtesy.

As prescribed under Ontario Regulation 55/18, the proposed Code of Conduct addresses the following subject matters:

1. Gifts, benefits and hospitality;
2. Respectful conduct, including conduct toward officers and employees of the municipality or the local board, as the case may be;
3. Confidential information; and
4. Use of Municipal or Local Board property.

A Disclosure Statement Form is included with the Code of Conduct for the disclosure of tokens, mementoes, souvenirs or such gifts or benefits as required.

Committee and Volunteer Code of Conduct

The Committee and Volunteer's Code of Conduct Statement of Principles is intended to ensure that Volunteers and Advisory Committee members carry out their duties with respect, integrity, transparency, justice, truth, honesty and courtesy.

Complaint Protocols

The complaint protocols include both an informal complaint process which will be encouraged initially, and a formal complaint process to be followed should the complainant not be satisfied with the outcome of the informal process or wishes to proceed directly to filing a formal complaint.

A formal Complaint Form which serves as an official declaration by an individual (the complainant) that a member of Council or member of a Committee or a Volunteer has contravened with one or more section(s) of the Code of Conduct, is included as part of the protocols.

Council and Staff Relations Policy

The Council and Staff Relations Policy is intended to set a high standard for relations between Council and Staff in order to provide good governance and instill a high level of public confidence in the administration of the City by its Council as duly elected public representatives and its Staff as public administrators.

Request for Advice –Integrity Commissioner

A Request for Advice Protocol /Form, which shall serve as an official request for advice from the Integrity Commissioner, has been included for consideration and approval.

6) **CONSULTATION:**

These new Codes of Conduct were reviewed and are endorsed the City's appointed Integrity Commissioner, Mr. John Saywell.

7) **RECOMMENDATIONS OR COMMENTS FROM COMMITTEE/ OTHER DEPARTMENTS :**

n/a

8) **FINANCIAL IMPACT (expenses/material/etc.):**

n/a

9) **LEGAL IMPLICATIONS :**

n/a

10) **RISK MANAGEMENT :**

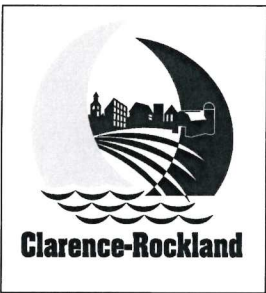
n/a

11) **STRATEGIC IMPLICATIONS :**

n/a

12) **SUPPORTING DOCUMENTS:**

- Proposed By-law which includes:
 - Council Code of Conduct
 - Committee and Volunteer Code of Conduct
 - Complain Protocols
 - Council and Staff Relations Policy
 - Request for Advice Protocol/Form
- By-law No. 2013-116 (Current Code of Conduct)



CITY OF CLARENCE-ROCKLAND
FORMAL COMPLAINT FORM / DECLARATION
MEMBERS OF COUNCIL/COMMITTEE AND VOLUNTEER
CODE OF CONDUCT

I, _____ (full name), of the _____ (City, Town, etc.), in the _____ (Municipality), in the Province of Ontario.

DECLARE THAT:

1. I have personal knowledge of the facts as set out in this Declaration, because (choose one):

- I work for _____
- I attended a meeting at which _____
- other (please explain) _____

2. I have reasonable and probable grounds to believe that:

_____ (name of Member of Council / member of a committee / volunteer of the City of Clarence-Rockland)

has contravened section(s) _____ of the (choose one)

- Council Code of Conduct of the City of Clarence-Rockland
- Volunteer Code of Conduct of the City of Clarence-Rockland

3. The particulars of which are as follows:

(Set out statements of facts in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of facts. If you require more space, please use an additional sheet. If you wish to include exhibits to support this complaint, please refer to the exhibits as Exhibit A, B, etc. and attach them to this Declaration.)

3. This Declaration is made for the purpose of requesting that this matter be reviewed by the Integrity Commissioner appointed by the City of Clarence-Rockland and for no other purpose.

4. I understand that the original version of this form shall be submitted to the Clerk's Office and that no copy/scan version will be accepted.

 Signature of person making the declaration

 Date (dd/mm/yyyy)

FOR OFFICE USE ONLY		
_____ Date received	_____ Date submitted to IC	_____ Signature of the Clerk or designate



**CITY OF CLARENCE-ROCKLAND
DISCLOSURE STATEMENT FORM
MEMBERS OF COUNCIL CODE OF CONDUCT**

Section 5.3.3. of the Council Code of Conduct requires Members of Council to disclose the receipt of gifts and benefits. This Disclosure Statement Form is to be used to report all these gifts and benefits and shall be filed with the Clerk of the City of Clarence-Rockland by the end of each year, during the term of the member of council.

I _____ (full name), member of Council of the City of Clarence-Rockland

DECLARE THAT I received the following gifts and benefits during the year _____
(If you require more space, please use an additional sheet)


Nature of gift or benefit received	Source of Gift or benefit	Circumstances under which gift was received	Estimated value of gift or benefit (\$)	Date gift or benefit received.

I understand that the original version of this form shall be submitted to the Clerk's Office and that no copy/scan version will be accepted.

Signature of member of council

Date (dd/mm/yyyy)

FOR OFFICE USE ONLY	
_____ Date received (dd/mm/yyyy)	_____ Signature of the Clerk or designate

 <p>Clarence-Rockland</p>	FORM 4
	<p>CITY OF CLARENCE-ROCKLAND</p> <p>ACKNOWLEDGEMENT</p> <p>MEMBERS OF COUNCIL/COMMITTEE AND VOLUNTEER</p> <p>CODE OF CONDUCT</p>

I, _____ (full name)

Being a : (choose one)

- Member of council of the City of Clarence-Rockland
- Member of a committee of the City of Clarence-Rockland
- Volunteer of the City of Clarence-Rockland

Acknowledge the receipt of a copy of the: (choose one)

- Council Code of Conduct of the City of Clarence-Rockland
- Committee and Volunteer Code of Conduct of the City of Clarence-Rockland

I agree to be bound by the terms of the identified Code of Conduct.

Signature of person making the acknowledgement

Date (dd/mm/yyyy)

FOR OFFICE USE ONLY	
<p>_____ Date received (dd/mm/yyyy)</p>	<p>_____ Signature of the Clerk or designate</p>