

THE CORPORATION OF THE TOWNSHIP OF SHUNIAH

By-law No. 1925-98

By-law to adopt a Code Ethics for Municipal Council Members

WHEREAS local government is an open, accessible and accountable form of government;

AND WHEREAS the relationship of public trust and mutual respect that has evolved between government and the public requires high standards of ethical conduct by members of Council;

AND WHEREAS Section 104 (1) authorizes the council of a municipality to pass comprehensive general by-law dealing with all or any such matters within its jurisdictions the council considers desirable;

AND WHEREAS the Council is desirous of establishing a code of conduct for its members of Council;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SHUNIAH ENACTS AS FOLLOWS:

1. That the Council's Code of Ethics attached as Schedule "A" to the by-law is hereby adopted.
2. That Schedule "A" forms an integral part of the By-law.
3. That this By-law comes into force and takes effect on the final passing thereof.

READ A FIRST AND SECOND TIME THIS 12th DAY OF FEBRUARY 1998

Chania Harding
Reeve

J. J. J. J.
Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 12th DAY OF FEBRUARY 1998

Chania Harding
Reeve

J. J. J. J.
Clerk

Appendix "A" to By-law No. 1925-98

TOWNSHIP OF SHUNIAH Council's Code of Ethics

POLICY STATEMENT

Local Government is an open, accessible and accountable form of government. The relationship of public trust and mutual respect that has evolved between government and the public requires high standards of ethical conduct by Municipal Council Members.

PURPOSE

1. Protect the public interest. The practical application of the Code's provisions in diverse situations may reveal gaps, ambiguities and inconsistencies in the Code. In these circumstances, the protection of public interest, as it is consistent with the concept of "just cause" is to be taken as the true underlying intent of the Code.
2. Encourage high ethical standards among Municipal Council Members.
3. Provide a universal understanding of the fundamental right, privileges and obligations of Municipal Council Members.
4. Provide a means for Municipal Council Members to obtain an authorization for some contemplated conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct.
5. Set out the means of correcting unethical conduct.
6. Municipal Council Members hold positions of privilege. Therefore, they must discharge their duties in a manner that recognizes a fundamental commitment to the well being of the community and regard for the integrity of the Corporation.

1. DEFINITIONS

- 1.01 *Council Member* means the Reeve and Members of Council of the Township of Shuniah.
- 1.02 *Public Comment* means a disclosure made in a public speech, lecture, radio or television broadcast, in the press or book form.
- 1.03 *Confidential Information* is a matter of Council discretion whether labeled or not but includes information such as:
 - i) Personal data of employees or others.
 - ii) Records related to internal policies and practices that if disclosed, may prejudice the effective performance of a municipal operation.
 - iii) Records of financial nature reflecting information given or accumulated in confidence.
 - iv) Files prepared in connection with litigation and adjudicative proceedings.
 - v) Reports of consultants, policy drafts and internal communications, which, if disclosed, may prejudice the effective operation of the municipality.
- 1.04 *Administrator* means the Chief Administrative Officer of the Township.
- 1.05 *Township* means the Corporation of the Township of Shuniah.

2. RESPONSIBILITIES

- 2:01 Council Shall:
 - (a) make such revisions, additions or deletions to the Code of Ethics as may be justified under the concept of "just cause".
 - (b) following its review of the information decide on the appropriate action in matters concerning a Council Member's ethical conduct.
 - (c) have regard to the provisions contained in the Municipal Conflict of Interest Act, R.S.O. 1990.

- (d) adhere to Township's by-laws and policies regarding any municipal financial transaction.

2.02 Administrator shall:

- (a) provide recommendations to Council on desirable revisions, additions or deletions to the Code of Ethics.
- (b) advise of allegations and conduct inquiries relating to the unethical conduct of Council Members,
- (c) ensure the administrative controls referred to in the Code of Ethics are in place.
- (d) fully inform newly appointed Council Members of the ethical standards they are expected to observe. It requested, to obtain clarification of Council Members would be required to observe in a particular position.
- (e) keep Council Members informed, on an ongoing basis, of the Township's policy on ethical behaviour.

3. CODE OF CONDUCT

3.01 Integrity

Ultimately, ethical behaviour relies on the diligence of the individual. However, since a breach of ethics impacts not only on that Council Member but also the Corporation, a Code of Ethics is the means by which the municipality acknowledges their responsibility in this area.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Ethics:

- i) *Conduct in one's private life or Council activities, which renders the Council Member unable to perform his/her duties satisfactorily. What moral standards a Council Member must adhere to will vary with the Council Member's relationship with other Council Members, the Township and the public.*
- ii) *To knowingly breach the law in the performance of his/her duties or to request others to do so.*
- iii) *To intentionally falsify any of the Township's records.*

3.02 Impartiality

Every Council Member must perform his/her duties in an impartial manner.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Ethics:

- i) *To be granted special consideration, treatment or advantage in matters related to his/her position on Council to any other citizen.*

3.03 Gifts and Benefits

The inherent pitfall in accepting gifts and benefits from outside sources is that regardless of the intent, in most instances the person providing the gift has something to gain from the recipient. Gifts and other benefits are the most obvious means of wielding some kind of influence regardless of how harmless the gesture may appear to be on the surface.

There is a role for "moderate hospitality". Each Council Member must consult with Council to determine whether or not a specific gesture constitutes moderate hospitality.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Ethics:

- i) *To accept gifts and benefits from firms or individuals.*
- ii) *To place themselves in a position where they are under an obligation to favour an individual or firm.*

3.04 Confidentiality

Every Council Member must hold in strict confidence all information of a confidential nature acquired in the course of his/her term with the Township.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Ethics:

- i) *To use confidential information which is not available to the general public and to which Council Members have access by reason of his/her position with the Township to further his/her personal interests or the interests of others.*
- ii) *To disclose to unauthorized person's confidential information to which the Council Member has access by reason of his/her position as a member of Council with the Township.*

3.05 Political Activity

Council Members are to be allowed, as great measure of political rights as can be reconciled with the need to ensure the fact and appearance of impartiality in the performance of their duties with the Township. The point at which any appropriate balance can be the nature and level of the Council Member's responsibilities.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Ethics:

- i) *To use the authority or influence of his/her position as a Council Member on behalf of a political part or candidate.*

3.06 Public Comments

Every Council Member shall display the reserve inherent in his/her position with the Township when publicly expressing his/her personal opinions on matters of political controversy or on existing or proposed municipal policy or administration. This policy is not intended to restrict the legitimate public comment of spokespersons of Council associations nor the public comment of Council Member's as opposed to an interest related to his/her position as a Council Member with the Township.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Ethics:

- i) *To express publicly the Council Member's personal view on matters of political controversy or on municipal policy or administration where to do so would impair the public's confidence in that Council Member's ability to perform his/her official duties with integrity and impartiality or impair the ability of the Township Council or administration to carry out its or their functions.*
- ii) *To transmit other than factual and objective information related to policies adopted by Council.*

4. PROCEDURES

- 4.01 Council Members are encouraged to seek clarification from Council if they are uncertain as to the appropriateness of their existing or contemplated conduct.
- 4.02 Complaints or inquiries concerning the ethical conduct of any Council Member shall be made in writing to the Council.
- 4.03 All complaints or inquiries will be treated as confidential.
- 4.04 A copy or summary of any written or oral complaint received is to be sent immediately to the Council Member complained against with a request to provide a written answer to the complaint.

- 4.05 Council shall investigate:
- a) all complaints or inquiries concerning the ethical conduct of a Council Member;
 - b) on their own initiative, the conduct of a Council Member where determined an investigation is warranted.
- 4.06 The Council Member against whom the complaint is directed or who is inquiring as to the appropriateness of his/her conduct shall have the opportunity to appear before the Township Council at an in camera or public meeting at the discretion of the Council Member and/or submit a written brief prior to any decision being made.
- 4.07 Where the Township Council determines the conduct referred to it does breach the Code of Ethics, the complainant shall be so advised in writing and the Council may
- a) instruct the Council Member to divest himself/herself of the outside interest or transfer it to a trust;
 - b) take disciplinary action in the form of:
 - i) public statement outlining Council's position
 - ii) removal of appointments to standing committees
 - c) take any other action Council deems appropriate.