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**MUNICIPALITY OF NORTH PERTH**  
**COUNCIL, LOCAL BOARD AND COMMITTEE**  
**CODE OF CONDUCT**

**1.0 PURPOSE:**

The purpose and intent of this policy is to establish guidelines for ethical and interpersonal standards of conduct of members of Council, Local Boards and Committees in the performance of their duties and responsibilities as elected and appointed community representatives. Members and staff will seek to achieve a team approach in an environment of trust and acceptance of their different roles contained within the Roles and Responsibilities of Council and Senior Management Policy.

This Code of Conduct sets out the minimum standards for the behaviour of Members in carrying out their functions. It has been developed to assist Members 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; and
- Act in a way that enhances public confidence in local government.

**2.0 SCOPE AND APPLICATION:**

**2.1 Scope**

This Code of Conduct applies to every Member, as defined hereinafter.

**2.2 Application**

Sections 1.0 and 4.0 set out the purpose and principles of this Code of Conduct. The Code of Conduct shall be interpreted in a manner consistent with the purpose and the principles, but sections 1.0 and 4.0 are not rules that can be the subject of a complaint or of an Integrity Commissioner inquiry. Only section 5.0 may be the subject of a complaint or inquiry.



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### 3.0 DEFINITIONS:

- CAO** means the Chief Administrative Officer for the Municipality of North Perth.
- Closed Meeting** means a meeting, or part of a meeting, of Council, a Local Board or Committee not open to the public in accordance with the Municipal Act, as amended.
- Council** means the council of the Municipality of North Perth.
- Integrity Commissioner** means the person appointed by the Council in accordance with Section 223.3 of the *Municipal Act, 2001*, and who is responsible for performing in an independent manner, the functions assigned by the Municipality of North Perth with respect to the application of the Code of Conduct and the *Municipal Conflict of Interest Act* for Members.
- Member** means any member of the Council of the Municipality of North Perth and any person appointed to a Local Board or Committee.

### 4.0 PRINCIPLES:

- 4.1 This Code of Conduct shall be interpreted in a manner consistent with the following principles:
- a) Members are responsible for familiarizing themselves with, and act in a manner so as to not contravene, any of the legislation or policies referenced in Section 7.0 of this Code of Conduct.
  - b) Every Member shall, at all times, seek to advance the common good of the community which they serve and shall act honestly, truly and impartially and in the best interest of the Municipality of North Perth.
  - c) Members shall conduct themselves in accordance with the Municipality of North Perth's Procedure By-law at all meetings.
- 4.2 Under the direction of the CAO, staff have the responsibility and the authority to provide consultation, advice and direction to Council and to



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implement Council approved policy. Accordingly, Members shall direct all staffing related concerns/questions to the CAO. Operational concerns/questions may be directed to the relevant department manager.

#### 4.3 Conflict of Interest/Pecuniary Interest

Members shall be responsible to ensure that they are familiar with the application of the *Municipal Conflict of Interest Act*, R.S.O 1990, as amended. It shall be the responsibility of each Member, not staff, to determine whether they have a direct or indirect pecuniary interest with respect to matters arising before Council, Local Boards and/or Committees. Members are strongly advised to seek guidance from the Integrity Commissioner.

#### 4.4 Election Campaigns

Members of Council are required to follow the provisions of the *Municipal Elections Act, 1996* and Members are accountable under the provisions of that Act.

Members of Council shall abide by the Municipality of North Perth's policy on the Use of Corporate Resources for Election Purposes, as amended from time to time.

#### 4.5 No complaints or Reports Prior to Election

No complaint regarding a Member who is a candidate in an election may be accepted by the Integrity Commissioner for review and/or investigation between Nomination Day and the date of the inaugural meeting of Council in any year in which a regular municipal election will be held. The Integrity Commissioner shall hold such complaint until December 1<sup>st</sup> in a regular election year and advise the complainant of this process. The time elapsed between Nomination Day and the inaugural meeting of the newly elected Council shall not be included in the time calculation referred to in this policy.

### 5.0 POLICY CONTENT:

#### 5.1 Respect and Non-Discrimination

- a) Every Member has the duty and responsibility to treat members of the public, one another, and staff appropriately and without



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abuse, bullying, or intimidation, and to ensure that the municipal work environment is free from discrimination and harassment. A Member shall not use indecent, abusive, or insulting words or expressions toward any other Member, a member of staff, or a member of the public. A Member shall not speak in a manner that is discriminatory to any individual based on any protected grounds identified in the *Ontario Human Rights Code*.

## 5.2 Conduct Respecting Staff

- a) Only Council, as a whole, has the authority to direct staff, approve budget, policy, committee processes and other such matters unless specifically authorized through legislation or by Council. No individual member shall attempt to exercise authority belonging to the whole of Council, a Local Board or Committee.
- b) Members shall be respectful of the fact that staff work for the Municipality of North Perth as a corporate body and are charged with making recommendations that reflect their professional expertise without undue influence from any individual Member or group of Members. Accordingly, no Member shall maliciously or falsely injure the professional or ethical reputation of staff and all Members shall show respect for the professional capacities of staff.

## 5.3 Confidentiality

Members have a duty to hold in strict confidence all information concerning matters dealt with at Closed Meetings or that is contained in Closed Meeting reports or is marked confidential. A Member shall not, either directly or indirectly, release, make public or in any way divulge any such information or any aspect of the Closed Meeting deliberations to anyone, unless expressly authorized by Council or required by law to do so.

Specifically, Members shall not:

- Release information that would cause the Municipality of North Perth to contravene the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O., 1990, as amended.



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- Release information subject to solicitor-client privilege, unless expressly authorized by Council or, in the case of a privilege belonging to a Local Board, the Local Board; and
- Use confidential information acquired by virtue of their position as a Member for any purpose other than official duties.

If a Member is found to be in violation of this section of the Code of Conduct, then for a period of time fixed by resolution of Council, the Member shall cease to receive the distribution of confidential information.

#### 5.4 Gifts and Benefits

- a) Members are not to accept or solicit gifts, entertainment or other benefits from any individuals or from any profit-making or non-profit organizations or associations which have business dealings with the Municipality of North Perth.
- b) No Member shall place themselves in a position where they could derive any benefit from any municipal contracts or organizations with whom the Municipality of North Perth does business.
- c) The rule outlined in section a) above, is subject to the following exceptions:
  - Infrequent business meals, if the meal is necessary for the completion of some task, and it would be impractical or socially awkward for the Member to pay for their own meal separately;
  - Infrequent attendance or participation in social or sporting events in the company of a business contact, if approval is granted in advance by the Mayor or Board/Committee Chair;
  - Solicitation of donations toward charitable events or causes, including municipal projects or other municipal undertakings, provided a donation is received directly by the event or cause and not by the Member;
  - The value of the gift or benefit does not exceed \$150.00 or so long as the total value received from any one



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source does not exceed \$150.00 in a calendar year, and so long as the gift or benefit does not include money.

- If the gift has absolutely no relationship with the status of the recipient as a Member (i.e. there is a relationship between the donor and recipient, unrelated to the Municipality of North Perth, which caused the gift to be made);
  - The gift is a randomly distributed gift such as a door prize which is won by a Member attending a conference, training session or other event on behalf of the Municipality of North Perth; or
  - The gift or benefit is a modest and reasonable memento or other token of appreciation for speaking at a seminar, conference, symposium or a similar event, excluding cash.
- d) If a Member accepts a gift, entertainment or benefit pursuant to an exception in c) then the Member shall promptly disclose the gift, entertainment or benefit, the giver's identity, and the estimated value, to the Mayor/Chair and CAO through email correspondence. Disclosure is not required if the gift, entertainment or benefit arises from a relationship between the donor and recipient unrelated to the Municipality of North Perth and has absolutely no relationship with the status of the recipient as a Member.

## 5.5 Use of Corporate Property and Resources

Members shall not use Municipality of North Perth property, equipment, supplies or services which are not available to the general public, for purposes not associated with the discharge of their official duties.

## 5.6 Communications and Media Relations

Members of Council may state that they did not support a decision, or voted against the decision. A Member should refrain from making disparaging comments about members of Council and Council's processes and decisions. Following the decision of Council, Local Boards and Committees, Members will accurately and adequately communicate the decision, even if they disagree with a majority decision so that there



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is respect for the decision-making process of Council, Local Boards and Committees.

Official information related to decisions and resolutions made by Council, Local Boards and Committees will normally be communicated in the first instance to the community and the media in an official capacity by the Mayor or Chair or designate.

No Member shall purport to speak on behalf of Council, Local Boards or Committees unless they are authorized by Council, Local Boards or Committees to do so.

#### 5.7 Professional Development

Members have a responsibility to promote, support, pursue and partake in opportunities for professional development. Members of Council will be compensated for these activities as per the Council Remuneration By-law.

### 6.0 POLICY COMMUNICATION:

A Code of Conduct orientation will be included as part of the workshop for each term of Council, and each new term of appointment for Local Boards and Committees.

Members are expected to review their adherence formally and informally to the provisions of the Code of Conduct on a regular basis or when so requested by Council, Local Boards or Committees.

### 7.0 LEGISLATION:

This Code of Conduct augments other laws which Members are governed by and which requires Members to follow the Procedure By-Law and other sources of applicable law, including but not limited to:

- [Criminal Code of Canada](#)
- [Human Rights Code](#)
- [Municipal Act](#)
- [Municipal Conflict of Interest Act](#)
- [Municipal Freedom of Information and Protection of Privacy Act](#)
- [Municipal Elections Act](#)
- [The Occupational Health and Safety Act](#)



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## 8.0 POLICY REVIEW:

This document will be reviewed once per term of Council, as recommended by the Integrity Commissioner, or as directed by Council.

## 9.0 COMPLIANCE:

The Municipality of North Perth has important obligations and interests in ensuring compliance with the ethical and interpersonal conduct standards required of Members by this Code of Conduct. It has an interest and obligation to respond to all allegations, complaints or incidents of alleged conduct inconsistent with the standards outlined in this Code of Conduct in a manner consistent with the interests and legal obligations of the Municipality of North Perth.

### 9.1 Internal/Informal Complaint Procedure

Individuals are encouraged to use the internal/informal complaint procedure in an effort to address behaviour or activity that they believe may be in violation of this Code of Conduct. The internal/informal complaint procedure involves:

- Advising the Member that their activity of behaviour appears to contravene the Code of Conduct;
- Encouraging the Member to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity;
- Documenting the incidents including date, time, location, other persons present and any other relevant information;
- If required, requesting the Integrity Commissioner to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue;
- If the matter has been successfully resolved during the internal/informal complaint procedure, the Member and the complainant may agree on an acceptable form of discipline (i.e. a formal apology to Council, Local Board or Committee).
- If the matter is not successfully resolved during the internal/informal complaint procedure, the complainant may



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consider pursuing the matter in accordance with the formal complaint procedure.

The internal/informal complaint procedure is one of the means of stopping and remedying a behaviour or activity that is inconsistent with the Code of Conduct, but it is not a precondition or prerequisite to filing a formal complaint.

## **9.2 Formal Complaint Procedure**

Where there are reasonable and probable grounds to believe that a Member has contravened the Code of Conduct, any person may request that the matter be reviewed by the Integrity Commissioner.

A Request for Investigation Form is available on the municipal website and must be completed by the complainant and submitted directly to the Integrity Commissioner. The Integrity Commissioner will review the complaint, seek clarification as necessary, determine whether to conduct an inquiry and, if so, conduct an inquiry, according to the process issued from time to time by the Integrity Commissioner, the current version of which is outlined in Schedule “A”, attached hereto.

When the review results in an investigation being conducted, the Integrity Commissioner shall submit a report to Council no later than 90 days after the finalization of the complaint and at the same time provide a copy to the complainant and to the respondent.

## **9.3 Compliance/Enforcement Rights Beyond the Referral to the Integrity Commissioner**

If the Integrity Commissioner determines that a complaint will not be the subject of a Code of Conduct inquiry, then the Integrity Commissioner shall explain why to the complainant and respondent, notify the Clerk that no inquiry will be held, and close the file.

Alternatively, if the complaint raises issues that are properly considered under other legislation or by another agency or authority, the Integrity Commissioner shall so inform the complainant and may provide such contact information of another agency or authority as is readily available.



#### 9.4 Council Review of Integrity Commissioner's Report

- a) Upon receipt of a report from the Integrity Commissioner with respect to the Code of Conduct, the Clerk shall place the report on the next regular agenda of Council or the Local Board for consideration at that meeting.
- b) The Integrity Commissioner's report shall be considered by Council or the Local Board in an open meeting, unless the subject of the discussion fits squarely within one of the exceptions to the open meeting rules set out in s. 239(2) of the *Municipal Act*.
- c) Council or, if applicable, the Local Board, may impose one of the following penalties on a Member if the Integrity Commissioner reports that in their opinion, the Member has contravened the Code of Conduct;
  - A reprimand; or
  - Suspension of the remuneration paid to the Member in respect of their service as a Member of Council, Local Board or Committee, for a period of up to 90 days.
- d) Council, or, if applicable, the Local Board, may also take remedial action, the purpose of which is to address and to remedy the effects of the Member's conduct. Possible remedial actions include but are not limited to the following:
  - Removal from the position of Committee chair;
  - Removal of a committee assignment to the extent necessary to address and remedy the effects of the conduct;
  - Revocation of appointment to the committee
  - Directing the staff not to circulate/inform the Member of confidential materials/matters; and
  - Requesting an apology from the Member to the person(s) affected.

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## 9.5 Public Disclosure

- a) Once the report has been considered by Council or the Local Board, the report shall be made available to the public by the Clerk.

## 9.6 Complaint/Investigation Confidentiality

- a) The Integrity Commissioner and every person acting under their instruction shall preserve the confidentiality of all documents, materials or other information, whether belonging to the municipality or not, that comes into their possession or to their knowledge during the course of their duties as required by section 223.5 of the *Municipal Act*.
- b) At the time of the Integrity Commissioner's report to Council, the identity of the complainant and the identity of the person who is the subject of the complaint shall not be treated as confidential information.
- c) If the Integrity Commissioner issues an annual or other periodic report to Council on their activities, the Integrity Commissioner shall summarize the advice they have given but shall not disclose confidential information that could identify a person concerned.



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**SCHEDULE “A”**  
**Integrity Commissioner’s Code of Conduct Inquiry Process**

***Process provided by the Municipality of North Perth’s current Integrity Commissioner***

1. Initial intake of complaint, assign a file number.
2. If necessary, communicate with complainant to clarify complaint. The date that the complaint is clarified is deemed to be the official complaint date.
3. Review, classify and screen the complaint and then one of the following:
  - a) Dismissal (no investigation) and matter wrap-up. (In the case of dismissal, both the complainant and respondent are issued a **Notice of Determination not to Conduct Inquiry**. The Notice states that the Integrity Commissioner has received the attached complaint, but will not be conducting an inquiry for the following reasons which are then listed.
  - b) Referral elsewhere.
  - c) Inquiry (in this case, both parties receive a **Notice of Inquiry** that includes the Complaint. The notice lists the allegations/issues that will be considered in the inquiry, including the relevant sections of the Code. The notice identifies any allegations/issues that will not be considered in the inquiry and provides reasons. The notice also explains the process that will be followed and outlines next steps.
4. Not every complaint leads to an inquiry. The Courts have confirmed that whether to conduct an inquiry, and which issues to investigate, are the Integrity Commissioner’s discretion.
5. The Clerk is notified that an inquiry is commencing.
6. Invite respondent to respond in writing (10 calendar days)
7. Invite complainant to reply to the response (10 calendar days)
8. When deemed appropriate, the Integrity Commissioner may invite the respondent to respond to the reply. In all cases, the Integrity Commissioner tells the parties that their further submissions are always welcome, on the condition that anything one party sends will be shared with the other.



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9. Conduct the investigation including;
  - a) Interviews of the parties
  - b) Witness interviews
  - c) Document review
  - d) Other fact finding
  - e) Legal research where necessary
10. It is always an option for the parties to settle the case without a formal report to Council.
11. The inquiry should be completed within 90 days in accordance with the Municipality of North Perth's Code of Conduct.
12. Final report is submitted to the parties and the Clerk. Report includes findings and any recommendations to Council.
13. Once Council considers the report at a meeting, the document is public and is added to the Canadian Legal Information Institute database.



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REVISION HISTORY

| Revision | Date           | Comments   |
|----------|----------------|------------|
| 1        | April 15, 2024 | Issue Date |

