

Grey County Code of Conduct

Council Presentation
November 13, 2019

Principles *Integrity*

Grey County Integrity Commissioner

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Objectives of Presentation

- ▶ Introduction
- ▶ Refresher on Purpose of Code of Conduct
- ▶ Understanding the Key Elements
 - ▶ Mandated Provisions
 - ▶ General Principles
 - ▶ Focused Discussion on Particular Rules
 - ▶ Protocols

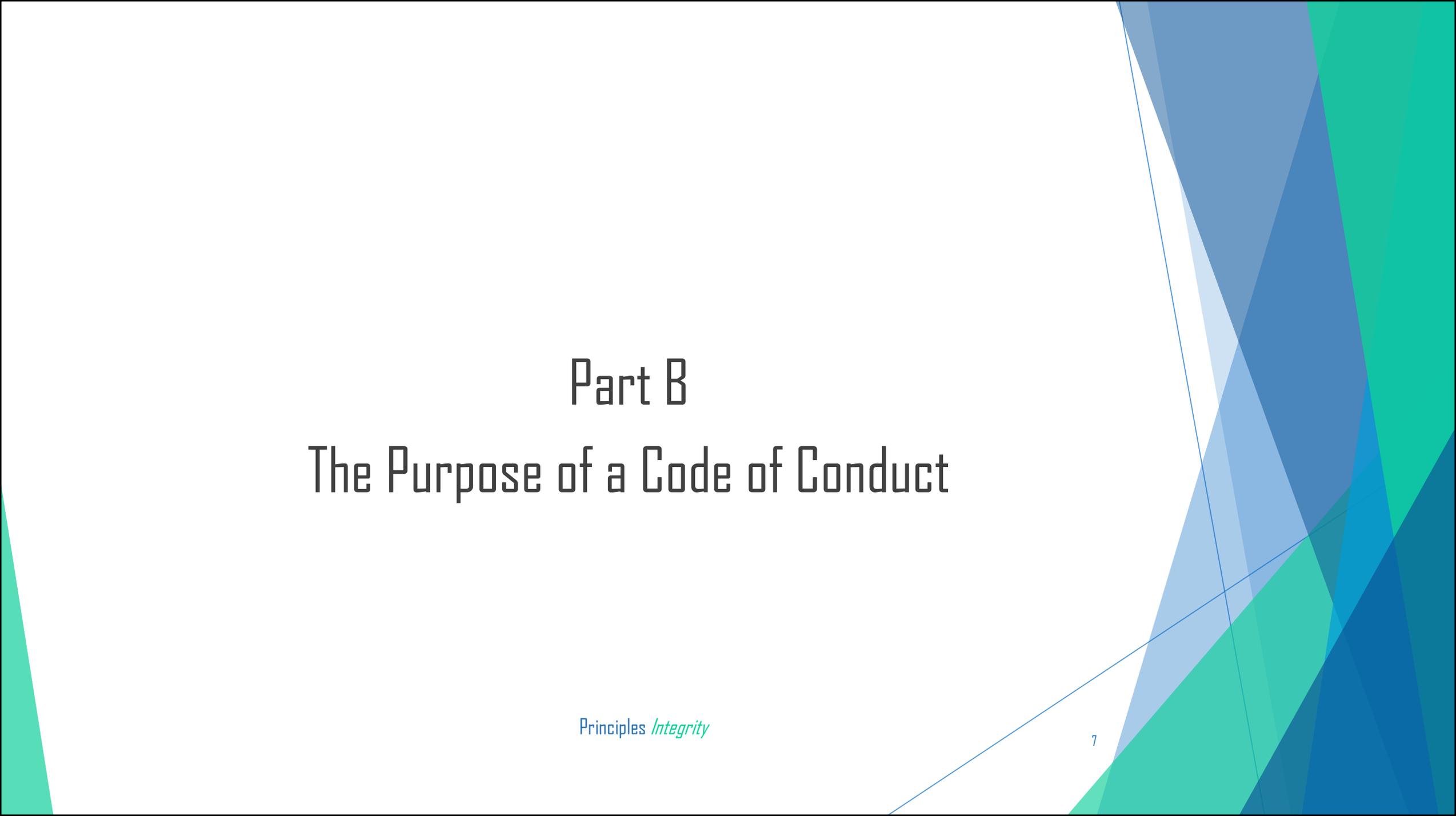
Part A

Introduction

The perception that a community's elected representatives are operating with integrity is the glue which sustains local democracy. We live in a time when citizens are skeptical of their elected representatives at all levels. The overarching objective in appointing an Integrity Commissioner is to ensure the existence of robust and effective policies, procedures, and mechanisms that enhance the citizen's perception that their Council (and local boards) meet established ethical standards and where they do not, there exists a review mechanism that serves the public interest.

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Part B

The Purpose of a Code of Conduct

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Ethical Guidepost

- ▶ Ethical conduct and behaviour are core to public confidence in government
- ▶ Political leaders are held to higher standard
- ▶ Elected officials carry out duties with impartiality and equality of service to all
- ▶ Private interests must not provide potential or appearance of advantage, benefit

Behavioural Guidepost

- ▶ Elected Officials should not be disparaging of others
- ▶ Elected Officials should keep confidences
- ▶ Elected Officials should not be influenced, or appear to be influenced, by the receipt of gifts

Guidepost to Fair Treatment

- ▶ Procedure to review assertions of non-compliance
- ▶ Procedural Fairness to be afforded to participants
- ▶ Potential for the recommendation of sanctions

Relevant Statutory Provisions

Bill 68 Amendments to:

- ▶ *Municipal Act, 2001* Part V.1: Accountability and Transparency
- ▶ *Municipal Conflict of Interest Act*
- ▶ MA Regulation posted on Ontario Regulatory Registry:

Prescribed Matters

O. Reg. 55/18

1. For the purposes of section 223.2 of the Act, the following are the prescribed subject matters that a municipality is required to include in the codes of conduct for members of the council of the municipality and of its local boards:

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.
4. Use of property of the municipality or of the local board, as the case may be.

Part C

Proposed Code of Conduct

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Code of Conduct for Council

- ▶ Members of Council conduct governed by:
- ▶ Code of Conduct, and
 - ▶ Municipal Act
 - ▶ Municipal Conflict of Interest Act
 - ▶ Municipal Elections Act
 - ▶ MFIPPA
 - ▶ Criminal Code of Canada
 - ▶ Other municipal policies, procedures

Code of Conduct – Key Concepts and Text

Key Concepts, Typical Text,	
General Introduction, Framework and Interpretation	Guiding Principles
Rule 1: Avoidance of Conflicts	Rule 2: Gifts, Benefits & Hospitality
Rule 3: Member Expenses	Rule 4: Confidential Information
Rule 5: Use of County Resources	Rule 6: Election Campaigns
Rule 7: Improper Use of Influence	Rule 8: Business Relations
Rule 9: Member Conduct	Rule 10: Media Communications
Rule 11: Respect for By-laws & Policies	Rule 12: Respectful Workplace
Rule 13: Conduct Respecting Staff	Rule 14: Employment of Relatives
Rule 15: Undermining Council Decisions	Rule 16: Reprisals and Obstructing
Rule 17: Acting on IC Advice	Rule 18: Implementation

General Introduction, Framework and Interpretation

- ▶ Members are held to a higher standard of behaviour and conduct
- ▶ Need to uphold both the letter and spirit of policies adopted by Council, including the Code of Conduct
- ▶ Broad, Liberal Interpretation
- ▶ Use of Commentary
- ▶ Clarification through Integrity Commissioner
- ▶ Other statutes, policy apply, as does the common law
- ▶ Definition of 'Family' is broader than the MCIA concept

Guiding Principles

1. Members of Council shall serve the public and their constituents in a conscientious and diligent manner.
2. Members of Council should be committed to performing their functions with integrity impartiality and transparency.
3. Members of Council shall preform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.
4. There is a benefit to municipalities when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

Rule 1:

Avoidance of Conflicts of Interest

“disqualifying interest” means an interest in a matter that, by virtue of the relationship between the Member of Council and other persons or bodies associated with the matter, is of such a nature that reasonable persons fully informed of the facts would believe that the Member of Council could not participate impartially in the decision-making processes related to the matter.

“non-disqualifying interest” means an interest in a matter that, by virtue of the relationship between the Member of Council and other persons or bodies associated with the matter, is of such a nature that reasonable persons fully informed of the facts would believe that the Member of Council could participate impartially in the decision-making processes related to the matter so long as:

- Fully disclose the interest
- State why can still be impartial

Rule 1:

Avoidance of Conflicts of Interest

- ▶ May not participate when you have a disqualifying interest, including an MClA pecuniary interest
- ▶ Make Transparency Disclosure if someone might perceive you to have an interest
- ▶ Rule contains other direction re contracting, occupations which conflict with your ability to serve on Council.

Rule 2: Gifts, Benefits and Hospitality

- ▶ Establishes a reporting threshold, so even if it fits under exception, members are required to report publicly the total value of benefits received from any single source
- ▶ Prevent perception that member is improperly benefitting, influenced
- ▶ Provide public transparency around receipt of gifts
- ▶ Ensure sound business practices with vendor, contractors doing business with municipality

A	B	C	D
Type of Gift	<u>Examples</u>	<u>Gift Disclosure.</u> Apparent Value at which Gift, or the cumulative value from one source in a calendar year is disclosable	<u>Gift No Longer Allowable</u> Condition or Actual Value beyond which gift is not allowable (Value assessed on basis of single Gift or cumulative Gift value from one source in calendar year) (without IC approval)
Token of Appreciation	Plaques, Pens, Mugs, Vase, Event Photos, and similar	No need to record - Deemed Zero Value	Actual Value of a single gift is over \$500 (allowable with IC approval)
	Perishable (includes flowers, food)	No need to record - Deemed Zero Value	Excludes Alcohol with actual value over \$100
	Gift to Township	Not a 'Gift'. No need to record. Municipal staff (identify) to record and take possession unless otherwise on public display. Deemed Zero Value	N/A
Course of Business	Publications	No need to record - Deemed Zero Value	N/A
	Art	\$100	\$500
	Business Meals	\$100	\$500
	Business Hospitality	\$100	-\$750 -More than two Event Tickets (Golf, Gala, Sporting, Entertainment) per event -More than one event per year from the same person or organization (allowable with IC approval)
	Official Hospitality	\$500	No limit

Gifts and Benefits

A	B	C	D
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Gifts and Benefits

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	Business Hospitality	\$100	-\$500 -More than two Event Tickets (Golf, Gala, Sporting, Entertainment) per event -More than one event per year from the same person or organization (allowable with IC approval)
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Rule 3: Member's Expenses

- ▶ There are a range of expenses that support a Member's role in community engagement which are typically set out in Members' Expense policies and reinforced in codes of conduct.
- ▶ Key consideration: Members should not handle funds, even sponsorship or other contributions to community events

Rule 4:

Confidential Information

- ▶ Information provided to members which is
 - Personal information about individuals (MFIPPA),
 - Third party confidential information
 - Solicitor-client privileged
 - Closed meeting deliberations (s.239)

Rule 5:

Use of County Resources

- ▶ Members have access to property, equipment, services and supplies to assist in conduct of official municipal duties
- ▶ Should not abuse this privilege
- ▶ Cannot personally gain through use
- ▶ County information is considered a resource
- ▶ Special rules during election campaign

Rule 6:

Election Campaigns

- ▶ County resources never permitted to be used to support an election campaign
- ▶ Separate social media accounts, email etc.
- ▶ July 2nd cut-off date for publication of newsletters, booking of facilities for electioneering

Rule 7:

Improper Use of Influence

- ▶ Office not to be used other than for official duties
- ▶ Avoid participating in tribunal hearings (Committee of Adjustment limited exception)
- ▶ Not attend OMB/LPAT to a) oppose, or b) support (except with solicitor's approval)
- ▶ Council as a whole directs staff, and then through CAO

Rule 8:

Business Relations

- ▶ Members must separate their business activities from their work as councillors
- ▶ Avoid prospects for future employment, borrowing money, acting as a paid agent, make referrals for financial gain

Rule 9:

Member Conduct

- ▶ Appropriate Decorum at all times, (in Council or otherwise)
- ▶ High standard. Exemplary Behaviour
- ▶ Open and transparent
- ▶ Procedures support deliberation, important to follow them
- ▶ Convey the business of Council when acting as Council's appointee

Rule 10:

Media Communications

- ▶ Respect, Dignity and Decorum
- ▶ Accurate dissemination (may disagree, but may not be disparaging)
- ▶ Exercise restraint in social media; you cannot be a journalist and a council member at the same time

Rule 11:

Respect for County By-laws and Policies

- ▶ Encourage respect for County matters
- ▶ Adhere to established by-laws, policies and procedures
- ▶ Do not encourage disobedience

Rule 12:

Respectful Workplace

- ▶ Members are governed by the County's 'respectful workplace/harassment prevention' policies and Ontario Human Rights Code.
- ▶ Members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination and harassment.
- ▶ Not engage in behaviours that threaten, harass, bully or intimidate
- ▶ Respect role of staff as professionals, politically neutral, objective
- ▶ Integrity Commissioner will investigate complaints (not an HR process)

Rule 13:

Conduct Respecting Staff

- ▶ Not compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.
- ▶ Not use, authority for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.
- ▶ Be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual Member or faction of the Council.
- ▶ Not maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff, and all Members

Rule 14:

Employment of Council Relatives/Family Members

- ▶ Anti-nepotism rule
- ▶ Do not supervise family members
- ▶ Follow HR recruitment practices

Rule 15:

Not Undermine, Work Against Council's Decisions

- ▶ Builds upon obligation to be respectful of Council's decision-making processes
- ▶ Cannot actively undermine a decision once made (subject to reconsideration rules, complaint procedures)
- ▶ May offer advice to community groups, but may not join them
- ▶ Not designed to interfere with a Member's obligation to vote in the best interest of the applicable municipal organization, at the time of the vote

Rule 16:

Reprisals and Obstruction

- ▶ No obstruction of integrity commissioner
- ▶ No threats or actual reprisals against persons who complain, or cooperate with an IC investigation
- ▶ Must provide documents and information requested

Rule 17:

Acting on Advice of Integrity Commissioner

- ▶ Any written advice given by the Integrity Commissioner to a Member binds the Integrity Commissioner in any subsequent consideration of the conduct of the Member in the same matter, as long as all the relevant facts were disclosed to the Integrity Commissioner, and the Member adhered to the advice given.

Rule 18:

Implementation

- ▶ Members are responsible for compliance with Code of Conduct
- ▶ Annual Meetings with Integrity Commissioner

- ▶ Protocols ...

Complaint Protocol

Part A: Informal Complaint Procedure

- (1) advise the member that the behaviour or activity contravenes the Code;
- (2) encourage the member to stop the prohibited behaviour or activity;
- (3) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- (4) if applicable, confirm to the member your satisfaction with the response of the member; or, if applicable, advise the member of your dissatisfaction with the response; and
- (5) consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

Complaint Protocol

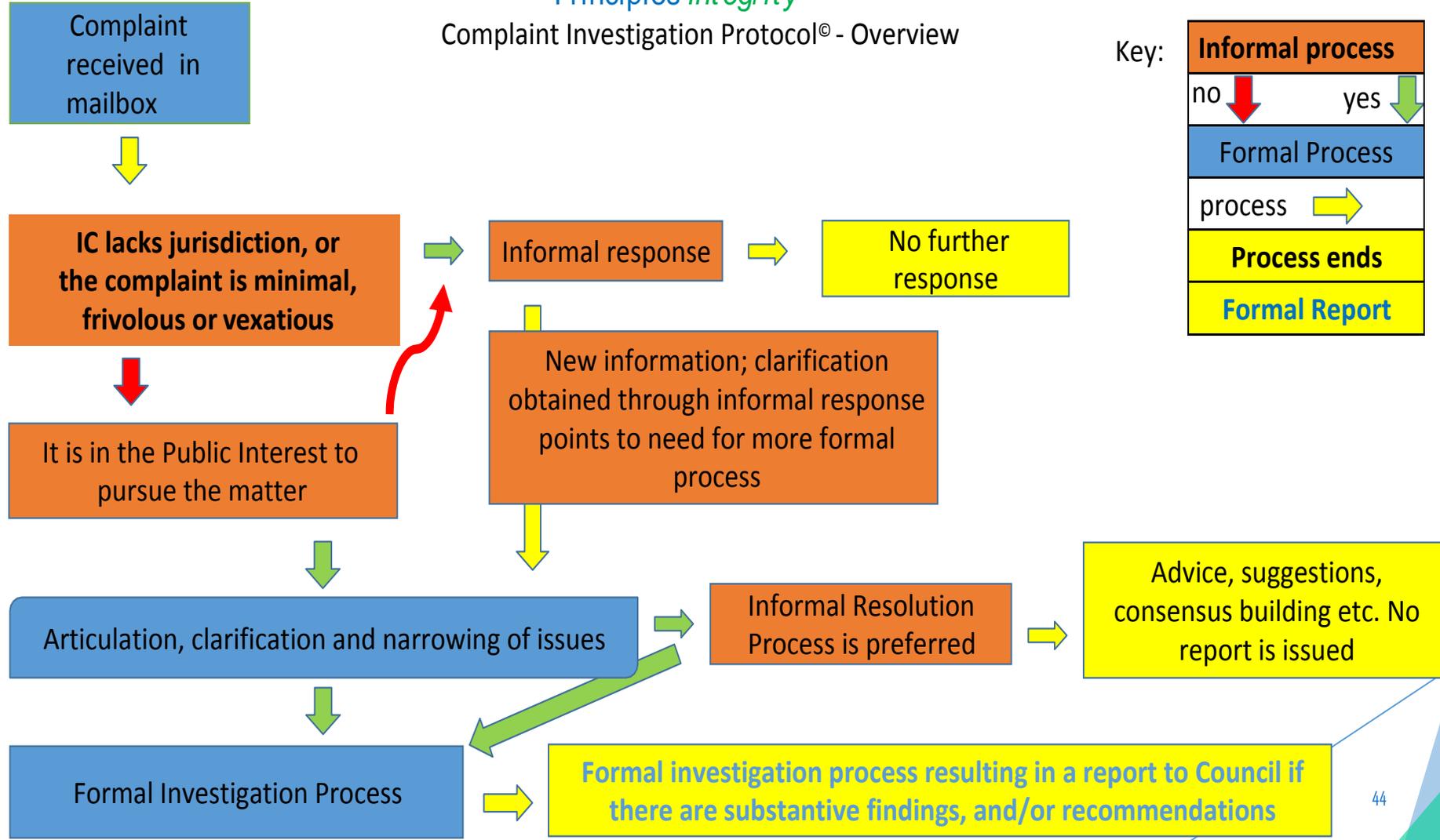
Part B: Formal Complaint Procedure

- ▶ Initiation
- ▶ Classification
- ▶ Investigation
- ▶ Council Review of Report
- ▶ Confidentiality

Investigation Protocol

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Complaint Investigation Protocol® - Overview



Key:

Informal process	
no ↓	yes ↓
Formal Process	
process →	
Process ends	
Formal Report	