

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH CARDINAL**

BY-LAW NO. 2022-21

**“A BY-LAW TO ADOPT A CODE OF CONDUCT FOR MEMBERS OF COUNCIL
AND COMMITTEE OF THE TOWNSHIP OF EDWARDSBURGH CARDINAL”**

WHEREAS Section 11(2) of the Municipal Act 2001, S.O 2001, c. 25, as amended, authorizes a municipality to pass by-laws regarding the accountability and transparency of the municipality and its operations; and

WHEREAS Section 223.2 of the Municipal Act 2001, S.O 2001, c. 25, as amended, authorizes a municipality to establish codes of conduct for members of the Council and Committee of the municipality;

AND WHEREAS the Council of the Corporation of the Township of Edwardsburgh Cardinal deems it advisable to adopt a Code of Conduct for Members of Council and Committee;

NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

1. That the Code of Conduct for Members of Council and Committee Policy, as described in Schedule “A”, attached hereto and forming part of this by-law, is hereby adopted.
2. That the Code of Conduct for Members of Council and Committee shall apply to all members of the Council and Committee of the Township of Edwardsburgh Cardinal and defined within the policy.
3. That Bylaw 2019-77 and all other by-law previously passed that are inconsistent with the provisions of this by-law are hereby repealed.
4. That this by-law shall come into force and take effect on the date of passing.

Read a first and second time in open Council this 28 day of March, 2022.

Read a third and final time, passed, signed and sealed in open Council this 28 day of March, 2022.

Mayor

Clerk

Schedule "A"
By-law 2022-21

1. Code of Conduct for Members of Council and Committee Policy Statement

The Township of Edwardsburgh Cardinal is committed to achieving the highest quality of municipal administration and governance by encouraging high standards of conduct on the part of all elected officials. The Code of Conduct for Members of Council and Committee aims to ensure public trust and confidence in the Township's decision making and operations. The public should expect the highest standards of conduct from the members they elect to local government, as well as members serving on Committees.

2. Purpose

The purpose and intent of the Code of Conduct for Members of Council and Committee policy is to establish guidelines for ethical and interpersonal standards of conduct for all Members.

3. Statutory Provisions

The following federal and provincial legislation governs the conduct of Members of Council and Committee:

- The *Municipal Act, 2001*;
- The *Municipal Conflict of Interest Act*;
- The *Municipal Elections Act, 1996*;
- The *Municipal Freedom of Information and Protection of Privacy Act*;
- The *Provincial Offences Act*;
- The *Occupational Health and Safety Act*;
- The *Ontario Human Rights Code*;
- The *Criminal Code of Canada*; and
- The bylaws and policies of Council as adopted and amended from time to time.

4. Definitions

In this Code of Conduct for Members of Council and Committee,

- a) "Closed/In-Camera Meeting" means any meeting of Council, Committee, Ad Hoc or Subcommittee that is closed to the public in accordance with the Municipal Act, 2001.
- b) "Council" means the Council of the Corporation of the Township of Edwardsburgh Cardinal.
- c) "Family" includes any of the following, whether by birth, marriage or adoption:
 - I. A spouse of the Member;
 - II. A child of the Member;
 - III. A parent of the Member;
 - IV. A sibling of the Member, whether by birth, marriage or adoption;
 - V. A Grandchild, grandparent, aunt, uncle, niece or nephew of the Member;
 - VI. A parent-in-law of the Member; and
 - VII. Any person who lives with the Member on a permanent basis.
- d) "Member" includes all elected or appointed Members of Council and all Members of Committees of the Township of Edwardsburgh Cardinal.
- e) "Staff" means anyone employed by the Township, including full-time, part-time, temporary, casual or seasonal employees, contract employees, students and volunteers in accordance with the Municipal Act, 2001.

5. Application

- 5.1 All Members are expected to follow this Code, the Procedural By-law and other applicable procedural law. Council is also subject to other sources of law, such as but not limited to the following: Municipal Act, 2001, Municipal Elections Act, Conflict of Interest Act, Municipal Freedom of Information and Protection Privacy Act, Occupational Health and Safety Act, Human Rights Code, and the Criminal Code of Canada.

6. General Standards of Conduct and Integrity

- 6.1 Members are committed to performing their functions with integrity, accountability and transparency.
- 6.2 Members recognize that the public has a right to an open government and transparent decision-making.
- 6.3 Members shall at all times be seen to serve the interests of the constituents and Township in a conscientious and diligent manner and shall approach decision-making with an open mind.
- 6.4 Members shall at all times seek to advance the common good of the community which they serve or represent.
- 6.5 Members shall truly, faithfully and impartially exercise the office or position on committees to the best of their knowledge and ability.
- 6.6 Members shall serve/represent their constituents and community in a conscientious and diligent manner. Members shall not use the influence of office for any purpose other than the exercise of his/her official duties.
- 6.7 This Code of Conduct for Members of Council and Committee Policy sets out standards for the behaviour of each member in carrying out their functions. It has been developed to assist Members to:
- a) Understand the standards of conduct that are expected of them;
 - b) Fulfil their duty to act honestly and exercise reasonable care;
 - c) Act in a way that enhances public confidence in local government; and
 - d) Identify and resolve situations which might involve a conflict of interest or a potential misuse of position and authority.
- 6.8 Members shall accurately and adequately communicate the attitudes and decisions of the Council or Committee, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.
- 6.9 Members shall conduct themselves with decorum and professionalism at all Council, Committee, and other meetings in accordance with the provisions of the Procedural By-law, this policy and other applicable law.
- 6.10 Members may be requested to make public appearances and presentations outside of Council, Committee or other meetings, or attend public events as representatives of the Township. At any such event, all Members shall conduct themselves with dignity and decorum, in a manner befitting a representative of the Township.
- 6.11 Members are responsible for complying with all applicable legislation, bylaws and policies pertaining to their position.
- 6.12 Members shall conduct themselves in accordance with the Municipal Conflict of Interest Act.

7. Confidential Information

- 7.1 Members have a duty to hold in strict confidence all information concerning matters dealt with at in camera/closed meetings. Members shall not, either directly or indirectly, release, make public or in any way divulge any information or any aspect of the in camera/closed meeting deliberations to anyone, unless expressly authorized by Council or required by law to do so.
- 7.2 Members shall not release, disclose, or use information in contravention of the provisions of the Municipal Freedom of Information and Protection of Privacy Act or any other applicable privacy laws. Members have the same level of access rights to information protected under the Municipal Freedom of

Information and Protection of Privacy Act as any other member of the public and shall follow the same processes as any private citizen.

- 7.3 Members shall not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law.
- 7.4 Members shall not misuse confidential information (information that they have knowledge of by virtue of their position as a Member of Council or Committee that is not in the public domain, including but not limited to emails and correspondence from other Members of Council, Township staff or third parties) such that it may cause detriment to the Corporation, Council or others.
- 7.5 Members shall not use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.
- 7.6 The obligation to keep information confidential applies even if the Member ceases to be a Member of Council or Committee for any reason.

8. Communications/Information to Public and Media Relations

- 8.1 Members acknowledge that official information related to decisions and resolutions made by Council will normally be communicated to the public and the media by the Council as a whole, or the Mayor as Head of Council, or by his/her designate.
- 8.2 If Members do communicate with the public and media, the Members will accurately and adequately communicate the attitudes and decisions of the Council, even if a Member disagrees with a majority decision, so that there is respect for and integrity in the decision-making process.
- 8.3 It is not the intent of this policy to restrict the ability of a Member to express a personal opinion on matters of general interest. In such cases, the Members shall make it clear that the comment is being made in their capacity as a private citizen, and not as a representative of the Township.

9. Gifts, Benefits and Hospitality

- 9.1 The honourarium paid to each Member is intended to remunerate Members or service to the Corporation. Members shall not solicit, accept, offer or agree to accept a commission, reward, favours, gift, personal benefit or advantage of any kind, personally or through a family member or friend, hospitality or anything of the kind which is connected directly or indirectly with the performance of his/her duties of office, unless permitted by the exceptions listed below in section 9.2.
- 9.2 Members are not precluded from accepting the following as exceptions:
 - a) Compensation or benefit authorized by Council or by law;
 - b) Personal gifts, benefits, rewards, commissions or advantages from any person or organization not connected directly or indirectly with the performance or duties of office;
 - c) Token gifts, souvenirs, rewards, mementos, benefits or hospitality received in recognition for service on a Council/Committee, for speaking at an event or for representing the Township at an event;
 - d) Political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
 - e) Services provided without compensation by persons volunteering their time in accordance with the Municipal Elections Act;
 - f) Food and beverages at banquets, meetings, receptions, ceremonies or similar events if:
 - Attendance serves a legitimate business purpose;
 - The person extending the invitation or a representative is in attendance; and
 - The value is reasonable and the invitations are infrequent.
 - g) Food, lodging, transportation and entertainment provided by other levels of governments (Local, County, Provincial, Federal, Foreign), boards or commissions;
 - h) Reimbursements of reasonable expenses incurred in the performance of duties of office;

- i) Reimbursement or stipend from a board or commission that the Member serves on as a result of an appointment by Council;
- j) Reimbursement of reasonable expenses incurred and honourariums received in the performance of activities connected with municipal associations;
- k) Gifts of a nominal value that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.

9.3 Members shall return any gifts or benefits which exceed these limits, along with reporting the matter to the CAO, with an explanation of why the gifts or benefits cannot be accepted.

9.4 Exceptions listed in section 9.2 do not apply where a gift or benefit is provided by a lobbyist or a lobbyist's client or employer.

9.5 If a Member receives a gift or benefit and the value of the gift or benefit exceeds \$100, or if the total value received from any source during the course of a calendar year exceeds \$100, the Member shall, within 30 days of the receipt of the gift or benefit or of reaching the annual limit, file a disclosure statement with the CAO. Any disclosure statements made under this policy will be a matter of public record. The disclosure statement shall indicate the following:

- The nature of the gift or benefit;
- Its source and date of receipt;
- The circumstances under which it was given or received;
- Its value or estimated value;
- What the recipient intends to do with it; and
- If the gift or benefit will be returned or retained by the Township or disposed of for charitable purposes.

10. Expenses

10.1 Members are required to adhere to the Township's Expense Reimbursement Policy as amended from time to time, budget and other relevant policies and guidelines.

10.2 Members shall avoid waste, abuse and extravagance in the provision or use of public resources, and shall expose fraud and corruption of which the Member is aware.

10.3 Falsifying of receipts or signatures by a Member is a serious breach of this policy and the Criminal Code of Canada and could lead to prosecution.

11. Improper Activity

11.1 Members shall not engage in any activity, financial or otherwise, which is incompatible, improper or inconsistent with the ethical discharge of official duties in the public interest.

11.2 As outlined in the Conflict of Interest guidelines for the Provincial Offences Act, Members shall not attempt to influence employees, officers or other persons performing duties under the Provincial Offences Act.

11.3 Without limiting the generality of the foregoing, Members shall not:

- a) Use any influence of office for any purpose other than official duties;
- b) Act as an agent before Council or any Committee, Board or commission of Council;
- c) Solicit, demand or accept the services of any corporate employee, or individual providing services on a contract for service, for re-election purposes during hours in which the employee, or individual providing services under a contract for service is in the paid employment of the Township;
- d) Use any information gained in the execution of office that is not available to the general public for any purpose other than for official duties; place themselves in a position of obligation to any person or organization which might reasonably benefit from special consideration or which may seek preferential treatment;

- e) Give preferential treatment to any person or organization in which a Member(s) of Council or Committee have a financial interest;
- f) Influence or attempt to influence any administrative or Council decision or decision-making process involving or affecting any person or organization in which a Member(s) of Council or Committee have a conflict of interest;
- g) Use of corporation materials, equipment, facilities or employees for personal gain or for any private purpose;
- h) Post-employment conflict: members shall not act, after they leave public office, in such a manner as to take improper advantage of the Township in which they were elected or appointed to serve.

12. Use of Municipal Property and Resources

- 12.1 This policy does not apply to the use of Township property and facilities where such use is universally known to be available to other residents upon request and on equal terms.
- 12.2 In order to fulfil their roles as elected officials and appointed Committee Members, Members have access to municipal resources such as property, equipment, services, staff and supplies. Members shall not use, or permit the use of Township land, facilities, equipment, supplies, services, staff or other resources, other than for purposes connected with the discharge of duties of office.

13. Election Activity

- 13.1 Members of Council are required to conduct themselves in accordance with the Municipal Elections Act and the Township's Use of Corporate Resources for Election Purposes Policy, as amended from time to time. The use of Township resources, both actual municipal property and staff time, for election related activity is prohibited. The prohibition applies to both the promotion and opposition to the candidacy of a person for elected office. Election related activity applies not only to a Member's personal campaign for office, but also other campaigns for municipal, provincial and federal office.

14. Interpersonal Behaviour of Members of Council and Committee: Treat Every Person with Dignity, Understanding & Respect

- 14.1 Members shall abide by the provisions of the Human Rights Code and, in doing so, shall treat every person, including other Members of Council, Members of Committee, employees, individuals providing services on a contract for service, students, and the public, with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination.
- 14.2 In accordance with the Human Rights Code, Members shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, partnership status, gender identity, gender expression, receipt of public assistance, family status, or disability.
- 14.3 In accordance with the Human Rights Code and Occupational Health and Safety Act, harassment shall mean engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

Without limiting the generality of the foregoing, Members shall not:

- Make racial, homophobic, sexist or ethnic slurs;
- Display pornographic, homophobic, sexist, racist or other offensive or derogatory material;
- Make leering (suggestive staring) or other offensive gestures;
- Make written or verbal abuse or threats;
- Vandalize the personal property of others;
- Commit physical or sexual assault;
- Make unwelcome remarks, jokes, innuendos or taunting statements about a person's physical appearance, racial background, colour, ethnic

origin, place of origin, citizenship, ancestry, creed (religion or belief), sex, sexual orientation, age, gender identity, gender expression, record of offence, marital status, partnership status, family status, disability (mental and/or physical);

- Make unwelcome remarks, insulting gestures or jokes which cause embarrassment or awkwardness;
- Refuse to converse or interact with anyone because of their racial or ethnic background, colour, creed, sex, sexual orientation, age, gender identity and expression, record of offence, marital status, partnership status, family status, or disability;
- Make unnecessary or unwanted physical contact, including touching, patting or pinching etc; and
- Demand sexual favours or requests.

Harassment which occurs in the course of or related to the performance of duties by Members is subject to this policy and the Workplace Violence and Harassment Prevention Policy, as amended from time to time. Infractions that may be considered criminal in nature shall be reported to the OPP.

A good faith exercise of performance management with respect to Township employees for legitimate purposes by Council is not harassment.

15. Conduct with Staff

- 15.1 The Municipal Act, 2001, as amended, sets out the roles of Members of Council and the municipal administration, including specific roles for officers such as the Chief Administrative Officer, Clerk, Treasurer, and Integrity Commissioner.
- 15.2 Mutual respect and cooperation are required to achieve the Council's corporate goals and implement the Council's strategic priorities through the work of staff.
- 15.3 Council as a whole has the authority to approve budget, policy, governance and other such matters, Under the direction of the CAO, municipal staff serves Council as a whole and in accordance with the decisions of Council as a whole. Members have no individual capacity to direct members of staff to carry out particular functions.
- 15.4 Members of Council and Committee shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from an individual Member or group of Members of Council or Committee.

16. Compliance with the Code of Conduct

- 16.1 Any person who has reasonable grounds to believe that a Member(s) has breached this Code may proceed with a formal complaint and request an investigation. Complaints shall be submitted to the CAO within ninety (90) days of the alleged violation occurrence or when it came to the attention of the complainant.
- 16.2 Every Member shall respect the integrity of this Code of Conduct and inquiries and investigations conducted under it, and shall co-operate in every way possible in securing compliance with its application and enforcement. Any reprisal or threat of reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person is prohibited. It is also a violation of this Code of Conduct to obstruct the Integrity Commissioner in the carrying out of any of his/her responsibilities, including without limitation the destroying of relevant communications.
- 16.3 Section 223.4(5) of the Municipal Act, 2001, authorizes Council, where it has received a report by its Integrity Commissioner that, in his or her opinion, there has been a violation of the Code of Conduct, to impose one of the following sanctions:
 - A reprimand; and

- Suspension of the remuneration paid to the Member in respect of his or her services as a Member of Council or Committee, as the case may be, for a period of up to 90 days

The Integrity Commission may also recommend that Council impose one of the following sanctions:

- Written or verbal public apology;
- Return of property or reimbursement of its value or of monies spent;
- Removal from membership of a committee;
- Removal as Chair of a committee.

The Integrity Commissioner may also recommend that Municipal Council revoke the Committee Member(s) appointment to the Committee.

The Integrity Commissioner has the final authority to recommend any of the sanctions above or other remedial action at his or her discretion.

Appendix 1 Bylaw 2022 -

Part A: Informal Complaint Procedure

1. Informal complaints may be initiated by any person who believes that the activity of a Member(s) has breached this Code, but the person does not want to initiate a formal complaint. Individuals are encouraged to pursue the informal complaint procedure as a first means of remedying behaviours or an activity that they believe violates this Code. Through the office of the CAO, any person may:
 - Advise the Member that his/her behaviour or activity appears to constitute a contravention;
 - Encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and avoid future occurrences;
 - Consider the need to pursue the matter in accordance with a formal complaint.

Part B: Formal Complaint Procedure

1. Any individual who identified or witnessed 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 conditions:
 - a. All complaints shall be made in writing and shall be dated and signed by an identifiable individual.
 - b. The complaint must set out reasonable and probable grounds for the allegation that the Member has contravened the Code of Conduct. The complainant shall include an affidavit setting out the evidence in support of the allegation.
 - c. Municipal Council and Committees may also file a complaint and/or request an Integrity Commissioner investigation of any of its membership by public motion.

2. Filing of Complaint

- 1.1 The complaint shall be filed with the Clerk, who shall forward the matter to the Integrity Commissioner for initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code of Conduct and not covered by other legislation or other Council policies.
- 1.2 If the complaint does not include a supporting affidavit, the Integrity Commissioner may defer the classification until an affidavit is received.

2. Complaint Outside of Integrity Commissioner Jurisdiction

- 2.1 If the complaint, including any supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the Code of Conduct or the complaint is covered by other legislation or other Council policy, the Integrity Commissioner shall advise the complainant in writing.

3. Periodic Reports to Council

- 3.1 The Integrity Commissioner may report to Council on an annual basis. In his/her report to Council, he/she shall report on complaints received and their disposition (including complaints deemed not to be within the jurisdiction of the Integrity Commissioner).

4. Refusal to Conduct Investigation

- 4.1 If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not investigate and, where this becomes apparent in the course of an investigation, shall terminate the investigation.

5. Opportunities for Resolution

- 5.1 Following receipt and review of a formal complaint, or at any time during the investigation, where the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued, and both the complainant and the Member agree, efforts may be pursued to achieve an informal resolution at the discretion of the Integrity Commissioner.

6. Investigation

- 6.1 The Integrity Commissioner will proceed as follows, except where otherwise required by the Public Inquiries Act:
- a) Provide the complaint and supporting material to the member whose conduct is in question with a request that a written response to the allegation be provided within 10 business days.
 - b) Provide a copy of the response provided to the complainant within a request for a written reply within 10 business days.
 - c) If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials and may enter any Township location relevant to the complaint for the purposes of investigation and potential resolution.
 - d) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction, delay or retaliation encountered during the investigation.
 - e) If the Integrity Commissioner has not completed an investigation before Nomination Day for a regular election, as set out in the Municipal Elections Act, the Integrity Commissioner shall terminate the inquiry on that day.
 - f) The Integrity Commissioner shall retain all records related to the complaint and investigation.

7. Timing of Complaint in Relation to Municipal Election

- 7.1 No complaint may be referred to the Integrity Commissioner, or forwarded by the Clerk for review and/or investigation during the period of time starting on Nomination Date and ending on Voting Day in any year in which a regular election will be held, as set out in the Municipal Elections Act.
- 7.2 If an investigation is terminated, the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within 6 weeks after Voting Day in a regular election, the complainant who made the request or the member or former member whose conduct is concerned makes a written request to the Integrity Commissioner that the investigation be commenced.

8. Recommendation Report

- 8.1 The Integrity Commissioner shall report to the complainant and the Member generally no later than 90 days after the intake process has been completed and an investigation has been commenced. If the investigation process takes

more than 90 days, the Integrity Commissioner shall provide an interim report and must advise the parties of the date the report will be available.

- 8.2 Where the complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining the findings, the terms of any settlement and/or any recommended corrective action.
- 8.3 The Integrity Commissioners report shall be published by posting the report on the Township website and making a copy available to Members of Council and/or Members of Committee, as applicable.

9. Member Not Blameworthy

- 9.1 If the Integrity Commissioner determined that there has been no contravention of the Code of Conduct or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner may so state in the report and may make recommendations pursuant to the Municipal Act.

10. Public Disclosure

- 10.1 The Integrity Commissioner and every person acting under his or her jurisdiction shall preserve confidentiality where appropriate and where this does not interfere with the course of any investigation, except as required by law and as required by this complaint protocol.
- 10.2 At the time of the Integrity Commissioner's report to Council, the identity of the person who is the subject of the complaint shall not be treated as confidential information if the Integrity Commissioner finds that a breach has occurred or finds that it is necessary to disclose that person's identity.