



BY-LAW 51-2016 – SCHEDULE “A”

## **TOWN OF PRESCOTT**

### **COUNCIL CODE OF CONDUCT**

#### **Statutory Provisions Regulating Conduct**

This Code of Conduct is a complement to the existing legislation governing the conduct of Members of Council.

The following legislation governs the conduct of Members of Council: 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 *Ontario Human Rights Code*, the by-laws and policies of Council as adopted and amended from time to time, and other relevant legislation

#### **1.0 Application**

1.1 This Code of Conduct applies to all Members of Council, including the Mayor, who are expected to follow this Code, the Council Procedural Bylaw, and other applicable law.

#### **2.0 Responsibilities of Council**

2.1 Council as a whole has the authority to approve budget, policy or processes, including the structures and procedures for committees. Authority to act on behalf of Council, including through a committee, can only be delegated by Council.

2.2 Council is responsible for and dedicated to providing good and effective government for the public in an open, accountable and transparent manner.

2.3 A fiduciary relationship exists between the Council and inhabitants of the municipality.

2.4 As Chief Executive Officer, the Mayor has additional responsibilities and, accordingly, must:

- Uphold and promote the purposes of the municipality;
- Promote public involvement in the municipality's activities;
- Act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally, and internationally; and
- Participate in and foster activities that enhance the economic, social and



environmental well-being of the municipality and its residents.

The principles set out in this Code of Conduct apply to the distinct role of the Mayor as the context requires.

### **3.0 Members of Council and the Role of Staff**

- 3.1 Clearly defined roles which distinguish between the concepts of governance and management are critical to the success of a municipality. It is Council's role to set policy for the municipality. Achieving Council's corporate goals and the implementation of Council's strategies is achieved through the work of staff as directed by the CAO and senior management.
- 3.2 Staff members serve Council and work for the municipal corporation under the direction of the Chief Administrative Officer. Council directs staff through its decisions as recorded in the minutes and resolutions of Council. Members of Council have no individual capacity to direct members of staff to carry out particular functions.
- 3.3 Inquiries of staff from Members of Council should be directed to the Chief Administrative Officer or the appropriate senior staff as directed by the Chief Administrative Officer in accordance with the approved Staff and Council Communication Protocol attached herein as Schedule A.
- 3.5 Council Members will direct any criticisms of staff through the Chief Administrative Officer and refrain from criticism of staff in public or to the media.
- 3.6 Council members and members of staff will conduct their relationship with courtesy and respect.

### **4.0 Town Assets and Gifts**

- 4.1 Council is the custodian of the assets of the municipality. The community places its trust in Council and those it elects to make decisions for the public good in relation to these assets
- 4.2 Members of Council must not use municipal assets for personal advantage, for profit or to assist during an election or in relation to a nomination, except where such privileges are provided by law.
- 4.3 Members of Council must not accept gifts or benefits except as provided for under law and in the course of their duties. They may accept gifts of token value only but should be aware that even these may place them in a position where their actions are open to serious question.

### **5.0 Confidentiality**

- 5.1 Members of Council have a duty to hold information received at closed

meetings in strict confidence for as long and as broadly as the confidence applies. They must not, either directly or indirectly, release, make public or in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or required by law.

- 5.2 Members of Council must not disclose, use or release information in contravention of applicable privacy law. They are only entitled to information in the possession of the municipality that is relevant to matters before the Council or a committee. Otherwise, they enjoy the same level of access rights to information as any other member of the community and must follow the same processes as any private citizen.
- 5.3 Members of Council must not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law.
- 5.4 Members of Council may not use any information obtained through their role for personal gain, or disclose such information to others persons to permit those persons to realize personal gain, directly or indirectly.

## **6. Non-Compliance**

- 6.1 Any complaint alleging that a violation of the Code of Conduct has occurred shall be directed to the CAO in writing and signed and dated by the person making the allegation. The complaint should contain specific allegations concerning when/where the actions of the Member of Council are purported to have occurred and how the alleged violation is in contravention of the Code of Conduct.
- 6.2 If, in the opinion of the CAO, the allegation is not frivolous, vexatious, and is made in good faith, the CAO shall forward the complaint to the Municipality appointed Integrity Commissioner for investigation and review. The CAO shall inform Council as soon as possible of the action taken, while maintaining the confidentiality of the specifics of the complaint.
- 6.3 The Integrity Commissioner, shall make an expeditious investigation and review of the complaint, following which he/she shall make a written report to Council which may contain recommendations concerning sanctions which Council may implement. Possible sanctions include:
  - A reprimand;
  - Suspension of the remuneration paid to the member in respect of his or her services as a Member of Council for a period of up to 90 days.
- 6.4 The Integrity Commissioner may also recommend that Council consider imposing remedial measures, including but not limited to:
  - The issuance of a written or verbal public apology;
  - The return of property or reimbursement of its value or of monies spent;

- Removal from membership of a committee of Council for a specified period;
- Removal as chair of a committee of Council for a specified period;

6.5 The Integrity Commissioner has the final authority to recommend any of the sanctions listed above at his or her discretion. Council shall meet as soon as practicable to consider the report and recommendations. Council shall render a decision regarding the Integrity Commissioner's recommendations. Implementation of any recommendations is at the sole discretion of Council, by a simple majority vote, in accordance with the Municipal's Procedural By-law and said decision shall be final.

6.6 All matters regarding allegations of violation of the Municipal Code of Conduct shall be subject to the provisions of Section 239 of the Municipal Act and direction of Council may be reported out in open Council as appropriate.



## **TOWN OF PRESCOTT**

### **CODE OF CONDUCT – SCHEDULE A INTERNAL COMMUNICATION PROTOCOL**

The following is a protocol to guide the flow of information between the Town staff and Town Council. The purpose of this protocol is to ensure that the flow of information is well coordinated, effectively managed and responsive to the information needs of council, municipal employees and the public. The successful implementation of this protocol is a shared responsibility between members of Council and the municipality's staff.

#### **1. Principles**

- a. Communication between Council, the senior managers and other staff members must be open, timely and collaborative to achieve municipal goals and to ensure quality communication to the public.
- b. Staff should feel comfortable speaking with individual members of Council about their work. However, a chain of command exists to deal with issues of significance and should be respected by individual Councilors and all staff members.
- c. Only Council as a whole has the authority to direct members of staff. Individual Councilors should be respectful of the fact that municipal employees work for the Town as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual Councilor or group of Councilors.
- d. The flow of information between the Administration and Council and the expectations of Council and the Administration should promote the principles of transparency, accountability and confidentiality. Open lines of communication are essential.
- e. It is expected that Council members will:
  - Communicate directly with senior staff on any issue of interest and generally refrain from communication with front line staff on Town issues or concerns unless directed to do so by the CAO or senior management staff;
  - Request senior management staff input prior to making



- important policy decisions and convey feedback to staff;
  - Discuss issues with senior management staff and advise them of questions prior to committee and Council meetings, whenever possible;
  - Request advice from the Town Clerk about the appropriate wording of motions, amendments, and formal directions to staff in accordance with the procedural by-law;
- f. Whenever possible consult with senior management staff prior to responding to constituent concerns or requests to ensure accurate information regarding Town polices, service levels, budgets and work plans;
- g. It is expected that the CAO and senior staff will:
- Ensure prompt replies to calls or emails from members of Council;
  - Ensure that Council is apprised of any known issues that may impact upon their decision making process in a timely manner;
  - Notify Council in a timely fashion of changes to legislation and any unintended or unexpected impacts of policy decisions through written reports or presentations;
  - Convey feedback to Council members who may not be aware of existing policy;
  - Provide Committee and/or Council with the implications of recommendations which may impact on services or corporate wide work plans and related capacity issues.
- h. It is expected that all other employees will:
- When addressed by a member of Council on Town business or concerns direct any inquiry to the senior manager of their department

## **2. Access to Consultants**

- a. Consultants are engaged by the Administration on the direction of Council. If a member of Council is interested in accessing a consultant working for the Town (to ask questions or seek their expertise on a matter), this should be done through a consultant delegation to Committee of the Whole, through Notice of Motion to Council, or through the CAO.



### **3. Intergovernmental Communications**

- a. The Mayor is the spokesperson for Council regarding communications with other governments or agencies. If a member of Council is interested in formally communicating with another government or agency, they should take their request to the Mayor and/or the CAO or through Notice of Motion to Council.
- b. Members of Council should not directly contact any regulatory bodies regarding any regulatory compliance concerns.

### **4. Dispute Resolution**

- a. If a member of Council is not satisfied with their access to information, they should discuss their concerns with the CAO.
- b. If a senior manager has refused access to information to a member of Council, they will bring the matter to the attention of the CAO.
- c. If the member of Council is unsatisfied by the response of the CAO to their request for access to information, they should discuss their concerns with the Mayor who can bring their request to Council for consideration.