

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

BY-LAW NUMBER 2023- 28

Being a By-Law to adopt a Code of Conduct for the Members of Council in the Township of Nipissing.

WHEREAS the Municipal Act, 2001, Part V.1, s. 223.2(1) authorizes the municipality to establish a code of conduct for members of the council of the municipality;

AND WHEREAS the Council of the Corporation of the Township of Nipissing deems it necessary to implement a Code of Conduct for municipal council members.

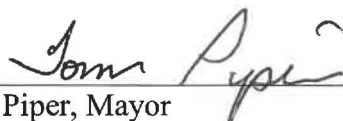
NOW THEREFORE the Council of the Corporation of the Township of Nipissing ENACTS AS FOLLOWS:

- 1) That the Council of the Corporation of the Township of Nipissing does hereby enact a Code of Conduct for the Members of Council, attached hereto as "Appendix A".

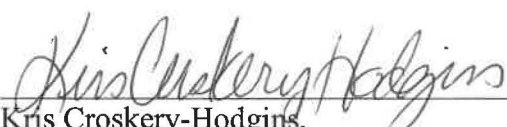
By-Law Number 2016-44 is hereby repealed and replaced by this By-Law effective upon passing.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 2ND DAY OF MAY, 2023.

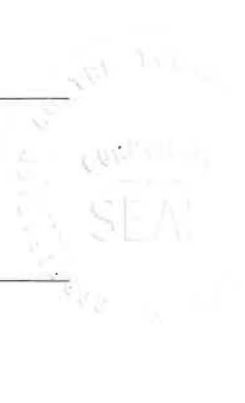
THE CORPORATION OF THE TOWNSHIP
OF NIPISSING



Tom Piper, Mayor



Kris Croskery-Hodgins,
Municipal Administrator-Clerk-Treasurer



Code of Conduct for the Members of Council Township of Nipissing

1.0 **PREAMBLE**

This Code of Conduct applies to the Mayor and Councillors, commonly referred to as Members of Council.

The Township of Nipissing's Members of Council are committed to achieving transparent and accountable governance to best serve their constituents. The Township of Nipissing Council is entrusted with the public's confidence for Council's decision making and the manner in which members perform their duties in office. Adherence to the letter and spirit of the laws of the Federal Parliament, the Ontario Legislature and policies adopted by the Township of Nipissing Council enables Members to serve the public interest in a responsible, transparent and accountable way. Rigorous oversight of Member conduct is achieved through existing Statutes and policies such as the *Criminal Code of Canada* and the *Ontario Human Rights Code*, as well as the following:

- *Municipal Act*
- *Municipal Conflict of Interest Act*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Municipal Elections Act*
- *Occupational Health and Safety Act*
- *Township of Nipissing Policies, By-Laws and Procedures*

It is incumbent upon Members of Council to be aware of, and understand, statutory obligations imposed upon municipal Council as a whole, as well as on Members of Council individually. This Code of Conduct is supplementary to existing legislation and policies and is meant to be considered, in whole, with existing laws.

This Code of Conduct is a value-based reference intended to encourage the highest standards of ethical behavior to uphold the public trust, the integrity of governance and the Township's reputation. The principles identified in the Code of Conduct are those that have been recognized as being significant in the performance of political office.

Public expectations for those holding public office are extremely high. This Code of Conduct is intended to provide additional guidance to Members of the Council in this regard.

In accordance with the *Municipal Act*, this Code of Conduct recognizes that the Mayor has additional responsibilities as defined in the *Municipal Act* as the Head of Council and incorporates these provisions where appropriate.

As a municipality's Chief Executive Officer, the Head of Council shall:

- (a) uphold and promote the purposes of the municipality;
- (b) promote public involvement in the municipality's activities;
- (c) act as the representative of the municipality both within and outside the municipality, promote the municipality; and
- (d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

As a living document, the Code of Conduct will be brought forward for review at the start of each Council term, when relevant legislation is amended, and at other times when appropriate to ensure that it remains current and continues to be a useful guide to Members of Council.

2.0 CONDUCT FOR TRANSPARENT, ACCOUNTABLE AND GOOD GOVERNANCE

The *Municipal Act*, Part VI, Practices and Procedures, establishes the organization, roles and responsibilities for the Members of Council and administration, including the requirement to pass a Procedure By-Law.

In accordance with the *Municipal Act*, the Township's Procedure By-Law, provides rules governing the order and proceedings of the Council and Committees of Council. The Act and Procedure By-Law ensure that Council is the source of authority for municipal government and its decisions are made and implemented through the appropriate channels of government structure.

Decision-making authority lies with Council as a whole, and not with an individual Member, to approve:

- budget
- policies
- committee processes
- direct staff
- commit resources; and
- other municipal matters.

Members of Council endeavor to conduct the decision-making process and convey Council business in a transparent, accountable and equitable manner, recognizing that the public has a right to open government, participatory decision-making and reasonable access to information on how decisions are made.

Members of Council should continue to perform their respective duties of office with integrity to avoid conflicts of interest, both apparent and real.

2.1 Conduct for Council and Committee Meetings

Members of Council shall conduct themselves with decorum in accordance with the provisions of applicable law including the *Municipal Act* and the Township's Procedural By-Law, to show courtesy and respect to fellow Members and others. A Member recognizes the importance of co-operation and strives to create an atmosphere during Council and Committee meetings that is conducive to solving the issues before Council, listening to various points of view and using respectful language and behavior in relation to all those in attendance.

Members shall make every effort to participate in the activities of the agencies, boards, commissions and committees to which they are appointed in the same manner as Council activities.

In accordance with the *Ontario Human Rights Code*, the *Occupational Health and Safety Act* and the Township's Human Resources Procedure Manual, all persons will be treated with dignity and respect in an environment free of discrimination and harassment.

Harassment includes, but is not limited to, any behavior, conduct or comment by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status and any other grounds under the provisions of the *Ontario Human Rights Code*. Harassment, whether it occurs inside or outside the workplace, but is related to the activities of elected office, is considered to be inappropriate behavior for the purpose of this Code of Conduct.

2.2 Conduct Respecting Staff

The role of Township officers and employees is to implement Council's decisions and establish administrative procedures to carry out Township operations as provided for in the *Municipal Act*.

Under the direction of the Municipal Administrator, staff serves Council as a whole, and the combined interests of all Members as evidenced through Council decisions. The Municipal Administrator has overall responsibility for the administration of Township affairs in accordance with the decisions adopted by Council.

To fulfill this role, staff establishes:

- appropriate administrative policies;
- systems and structure;
- processes; and
- internal controls to implement Council's goals and objectives.

Staff is responsible, through the Municipal Administrator, to the whole of Council and is charged with providing advice based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council. Members of Council can expect a mutually respectful relationship with staff to receive recommendations that reflect professional expertise and corporate perspective to assist Council in its decision making.

Members of Council and Committees of Council shall not maliciously or falsely harm the professional or ethical reputation or the prospects or practice of staff. All Members shall show respect for the professional capacities of the staff of the Township of Nipissing.

2.3 Conduct Respecting Confidential Information

The Municipal Act entrusts Council to receive and keep confidential, highly sensitive information to fulfill its decision-making duties and oversight responsibilities. Confidential information may include, but is not limited to:

- Personnel matters;
- labour relations;
- litigation;
- project tendering and request for proposals (RFP);
- property acquisitions; and
- security of Township property.

Members have a responsibility to keep such information confidential to safeguard the Corporation's interests and reputation and to uphold disclosure rules to prevent personal gain or advantage to others.

Members of Council agree to respect confidentiality requirements for information received in a closed session of Council pursuant to Section 239 of the *Municipal Act* and will respect the confidentiality and disclosure rules of the *Municipal Freedom of Information and Protection of Privacy Act* (often referred to as "MFIPPA"), which is administered by the Municipal Administrator.

In accordance with the Township of Nipissing's Procedural By-Law, Members of Council shall not publicly disclose the content of any confidential matter or the substance of deliberations or in-camera meetings until the information is open or released to the public as required by law, or approved by Council.

Members of Council are assured that Township staff will address requests for confidential information either through appropriate Township procedures or formally through MFIPPA.

3.0 CONDUCT RESPECTING CORPORATE RESOURCES

3.1 Charitable Activities

As community leaders, Members of Council are called upon to assist various charities, service clubs, and other non-profit community-based associations. Members supporting these community endeavors will respect the need for transparency with respect to their involvement, performing their community service in a manner that promotes public confidence.

3.2 Commitment of Township Resources

Members respect that the powers of the municipality are exercised by Council. Council, as a whole, is responsible for decisions that direct staff and establish the parameters for use of corporate resources to address municipal issues and provide services. For tasks or actions that require the commitment of significant staff time and/or Township resources, Members will pursue such action through recommendation of Committee and decision of Council. By doing so, all Members of Council confirm that the Corporation's interests and business are being advanced in compliance with all applicable rules and policies respecting the use of corporate resources.

3.3 Conduct Respecting Election Campaigns

During a municipal election, Members of Council must conduct themselves in accordance with the provisions of the *Municipal Elections Act*, in addition to legislation and policies that are in place during the term of office, including this Code of Conduct.

It is the personal responsibility of each Member, acting also as a candidate, to ensure that their election campaign is carried out in accordance with all applicable legislation.

The Mayor and Councillors' election campaign or campaign-related activities are prohibited from using corporate resources, both real property and staff, to avoid the perception that the Township has provided an advantage over other candidates. This does not preclude a candidate's use of city information that had been published and is in the public domain and is not subject to copyright protection.

Members of Council can expect that the Township Clerk will manage the municipal election process and meet all statutory requirements in accordance within the *Municipal Elections Act*. Members of Council respect that the role of the Township Clerk and municipal staff is to ensure all candidates are treated equally and similarly.

4.0 CONDUCT RESPECTING GIFTS, HOSPITALITY AND BENEFITS

From time to time, hospitality and benefits are offered and accepted by elected officials in the course of their duties and attendance at public functions. The acceptance of gifts, hospitality and benefits of a nominal value is considered part of the Member's role and responsibilities and are to be received by the Member only in good faith, as an incident of protocol or social obligation. In accepting a gift or benefit, Members of Council are required to be aware of those that would be of pecuniary interest and subject to the *Municipal Conflict of Interest Act*.

Members of Council are entrusted to make decisions based on an impartial and objective assessment of each situation, free from the real or perceived influence of gifts, hospitality or benefits. Regardless of monetary value, the gift, hospitality or benefit could be seen as an instrument of influence, favouritism and bias on the part of the elected official. To promote transparency and accountability to the public, Members of Council will continue to set a high standard of conduct and be prepared to openly disclose all gifts and benefits that have been received in carrying out their official duties.

Members of Council are encouraged to keep a list of all gifts and benefits received from individuals, firms or associations, with estimated values for review, appreciating that they are a matter of public record.

5.0

Members of Council are accountable to the public, each day of their elected term of Council, and through the municipal election process. To provide the public with open, transparent and accountable government, Council respects and adheres to legislation, applicable policy and the spirit and intent of this Code of Conduct.

Section 223.3 (1) of the *Municipal Act* authorizes a municipality to appoint an Integrity Commissioner who reports to Council and is responsible for performing, in an independent manner, the application of a Code of Conduct, and the application of any procedure, rule, and policy of the municipality governing the ethical behavior of Members of Council. The Integrity Commissioner serves the public interest and is granted authority under the Act to educate, advise and investigate the conduct of Members of Council.

Should Council exercise its discretionary authority and appoint an Integrity Commissioner, this Code of Conduct and all applicable policies will serve as foundation documents for the purposes outlined in legislation.