



Council Policy

Council Policy No.:	CP2018-018
Council Policy Name:	Code of Conduct and Ethics – Members of Committees, Boards & Task Forces
Date Approved by Council:	December 11, 2018
Date revision approved by Council:	
Related SOP, Management Directive, Council Policy, Forms	CP2018-017 – Committee/Board/Task Force Policy

Policy Statement and Rationale:

This Code of Conduct and Ethics is established to provide a shared and common foundation and expectations for acceptable behavior, conduct and actions of appointees to City of Kawartha Lakes' Committees, Boards and Task Forces. It is recognized that Committees, Boards and Task Forces are vital to informing and supporting City Council in accomplishing the City's strategic goals and priorities. It is further recognized that appointed volunteer members of these Committees, Boards and Task Forces bring valuable community knowledge, experience and information, and are committed community stakeholders and ambassadors. In addition to being well-informed to undertake delegated decision-making functions and/or provide advice and recommendations effectively, appointed members are expected to carry out their duties in a fair, honest, conscientious, diligent, impartial, transparent and professional manner.

Members of Committees, Boards and Task Forces must operate within the scope of work and requirements outlined in the associated Council-approved Terms of Reference.

This Code of Conduct and Ethics provides positive direction to Committee, Board and Task Force members in support of the following principles:

- That impartial decision-making considers the best interests of the entire Municipality;
- That communications are open, honest, consistent, respectful, consultative and inclusive;
- That private interests are kept separate from public responsibilities;
- That respect and support for others, including Council members, Committee members, members of City staff and members of the public, is maintained.



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Scope:

This policy relates to Council-appointed members of Committees, Boards and Task Forces in the City of Kawartha Lakes.

Definitions:

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“City Clerk” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

“Committee” means any Council Committee/Board/Task Force which is advisory in nature and/or mandate specific and is:

1. Established by Council through resolution or by-law; or
2. Created by another level of government (with jurisdiction), providing the right to Council to appoint one or more persons to it, who are not members of Council.

“Council” or “City Council” means the municipal council for the City;

“Member” means a person appointed to a Committee/Board/Task Force by resolution of Council.

“Person” means a human individual. For the purposes of this policy, the term does not include “artificial” persons recognized by law (for example, Corporations).

Policy:

General

All Members shall serve on Committees, Boards and Task Forces in a transparent and accountable manner. Members shall perform responsibilities assigned to the Committee/Board/Task Force as prescribed within the associated Terms of Reference.

It is the responsibility of all appointed members to comply with:

- the City Code of Conduct and Ethics – Committee, Board & Task Force Members
- the City Procedural By-law
- Other applicable City by-laws and policies



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- Municipal Act
- Municipal Freedom of Information and Protection of Privacy Act
- Municipal Conflict of Interest Act

No individual member or the Committee/Board/Task Force as a whole has the authority to make direct representations of the City to Federal or Provincial Governments.

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act. Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

(a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;

(b) shall not take part in the discussion of, or vote on any question in respect of the matter; and

(c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

At a meeting at which a member discloses an interest, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the Recording Secretary of the Committee/Board/Task Force who shall in turn provide it to the City Clerk for inclusion in the City's Registry of Statement of Disclosure as required by the Municipal Act.

The Committee/Board will abide by any terms and conditions which may be set out by the City's Council, CAO, City Clerk, City Solicitor, Auditor and/or Insurer for any activities relating to Committee/Board business in keeping with the Committee's Terms of Reference and established Policies.

Gifts and Benefits

To ensure and foster a culture of impartiality and objectivity Members shall not, directly or indirectly through family members or otherwise, solicit any gift or accept/receive any gift or personal benefits or rewards which may be tied or inferred to be tied directly or indirectly to their position or the performance of their duties.



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No Member shall seek or obtain by reason of his or her appointment any personal privilege or advantage with respect to city services not otherwise available to the general public and not consequent to his or her official duties except as authorized by law or policy of the City.

Confidentiality and Use of Municipal Information

It is every Member's responsibility to ensure information disseminated to other Members, staff and/or the public is accurate. No Member shall willfully mislead other Members, employees or the public about any issue of municipal concern.

No Committee/Board/Task Force information or actions is permitted to be confidential, save and except where permitted in the Committee/Board/Task Force's Council approved Terms of Reference. All business must be conducted in an open and transparent manner.

All requests for City information should be referred to the recording secretary to process through the liaison Department and the City Clerks Office, to be addressed as either an informal request for access to municipal records or as a formal request under the Municipal Freedom of Information and Protection of Privacy Act.

No Member shall

- Use information acquired through their duties for a personal advantage during or after their appointment.
- Speak disrespectfully or negatively about the Corporation, a member of Council, another member or Council's decisions.. Any concerns regarding the conduct of another person including a contravention of the Code of Conduct by another member shall be handled through the appropriate process as defined in this policy.
- Speak or act on behalf of the Corporation or City Council without authorization to do so.

Conduct at Meetings

During meetings, Members shall conduct themselves with decorum and in accordance with the City's Procedural By-Law, as amended from time to time. Respect and courtesy will be provided to delegations, fellow members, Council members, staff and members of the general public. Members shall not distract from the business of the Committee, Board or Task Force during presentations and when other members have the floor. Each member has a responsibility to ensure that such decorum occurs, both through their own conduct and by bringing to the attention of the Chair any offensive conduct that is observed.



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Relationships with Staff and Other Members

Members will show respect for other Members and staff and recognize their roles and responsibilities as defined by legislation and the associated Terms of Reference.

Members shall:

- Acknowledge that only Council as a whole shall direct staff members, through the CAO, to carry out specific tasks or functions.
- Provide advice and recommendations that are objective, politically neutral, applicable to the scope of work of the Committee, Board or Task Force, and in the best interest of the community and City.
- Refrain from using their position to improperly influence members of staff or Council members in their duties or functions or to gain an advantage for themselves, or others.
- Refrain from publicly criticizing individual members of staff or Council members and appointed Members in a way that maliciously or falsely injures the professional credibility or ethical reputation of the individual.
- Be respectful that staff work for the City as a body corporate and are charged with providing advice that is objective and based upon their professional expertise, politically neutral, and consider a corporate perspective, without undue influence from any individual member or group of members.
- Be respectful and supportive of the City's commitment to fostering an environment that is free from discrimination, harassment, interference, intimidation or coercion through personal adherence to the City's Respect in the Workplace Policy and the Ontario Human Rights Code.

Use of Municipal Property

Members may be required to borrow City property, equipment, supplies or services only for activities connected with Committee/Board/Task Force activities. The use of municipal property shall be coordinated through the liaison department. Any equipment or supplies borrowed in the exercise of the Members duties is City property and will be returned to the City promptly.

No member shall obtain financial gain from the use of city-developed intellectual property, computer programs, technological innovations or other patentable items, while an appointed member or thereafter. All such property remains the exclusive property of the City of Kawartha Lakes.

All Committee/Board/Task Force meetings must be held within an accessible city-owned facility.



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Work of a Political Nature

Members shall be aware of and adhere to the City's policy regarding "Use of Corporate Resources for Municipal Election Purposes."

No member shall use City facilities, services, or property in support of a municipal election or re-election campaign, expression of support for or against a political candidate, or any other outside political activity.

Fraud, Breach of Trust and Other Criminal Activities

Members shall not engage in behaviour that is fraudulent or that constitutes a breach of trust with the City of Kawartha Lakes. A fraudulent activity includes, but is not limited to:

- Using deceit to gain a personal advantage or benefit for oneself and/or others.
- Illegally obtaining money, including the solicitation and/or acceptance of bribes.
- Intentionally providing false or incomplete or withholding information from Council and/or city officials.
- Intentionally circumventing City policies or procedures to gain a personal advantage for oneself and/or others.
- Planning or participating in a theft of City property, or the use of said property to aid or conduct a theft of any kind.
- Inappropriate personal use of or intentional damage to City property.
- Undertaking any other illegal activity.

Conflicts of Interest

A conflict of interest is understood to occur if a Member's personal affairs, business, or relationships overlap with their duties and functions as appointed members of Committees, Boards or Task Forces. In order to avoid any conflict of interest, pecuniary interest or personal gain for members, their family or associates, members are not permitted to carry out any assigned duties for which a conflict of interest is present.

Members shall avoid and remove themselves from these situations of conflict.

Additionally, Members should be aware that some conflicts may be perceived in nature and will need to be considered on an individual basis.



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Business/Organization Relations

It is recognized that Members may have work or business activities or associations outside of their duties. Members shall ensure these responsibilities remain distinct and separate from Committee/Board/Task Force business.

Members must demonstrate transparency with regards to business relations and/or organizations conducting business with the City. No member shall act as a paid agent before the Corporation or Council.

Members shall recognize the need for their decision-making to be impartial and transparent by refraining from having any direct or indirect pecuniary association with any business or organization that has interactions with them in the conduct of their duties and responsibilities. Members must disclose to the Chair and members of the public such information at the first opportunity.

Should a Committee/Board/Task Force composition, as per Council approved Terms of Reference, include Members from specified stakeholder organizations, it is acknowledged that such members have been appointed to represent the interests and perspectives of those organizations to further the mission and activities of the Committee/Board/Task Force.

City Expenditures and Purchases

Members are not involved in procurement activities for the City. Any City budget advice or recommendations will be considered by Council and/or the appropriate Department liaison.

Disclosure

Any Member, staff, Council member, Council, or a member of the public has the right to identify any alleged non-compliance. The individual shall bring the matter forward to the Mayor.

Compliance/Contravention

Upon receipt of an alleged Member contravention in writing, the Mayor ~~shall will~~ investigate the allegation and determine the form an investigation will take, and it may be in consultation with the CAO, Committee, Board or Task Force Chair, complainant and/or the liaison Department. The Mayor ~~may will~~ disclose and discuss the alleged contravention with the Member as part of the and outline the form of investigation, and will give the Member an opportunity(s) to respond accordingly.



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At the completion of the investigation, the Mayor will provide recommendations to Council to verify any contraventions, provide all supporting written materials informing the investigation, and recommend appropriate actions (including immediate termination of appointment, if warranted). Council has the sole discretion to terminate any City Committee/Board/Task Force member.

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The Mayor will report any transgressions of an illegal nature to the appropriate police authority.

Implementation & Review

This Code of Conduct and Ethics shall be reviewed by each Council a minimum of once during each Council term.

This Code of Conduct and Ethics shall be reviewed by appointed Committee/Board/Task Force Members at the orientation session held the first meeting of each year following term expiry and appointment of new members, at either the mid-term or full term of Council.

Revision History:

Proposed Date of Review:

Revision	Date	Description of changes	Requested By
0.0	[Date]	Initial Release	