



# Municipality of Lakeshore

## Code of Conduct for Members of Council, Local Boards, and Committees

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### *Part A: General Provisions*

#### **1.0 Preamble**

The public is entitled to expect the highest standards of conduct from the Members it elects to local government and from those appointed by the elected Members to Local Boards and Committees. Encouraging high standards of conduct on the part of all government officials will assist in improving the quality of public administration and governance. Adherence to these standards will, furthermore, protect and maintain the Municipality of Lakeshore's reputation for integrity and stability.

A written Code of Conduct helps to ensure that all Members of Council, Local Boards, and Committees share a common understanding of acceptable conduct. **The Code of Conduct for Members of Council, Local Boards, and Committees ("Code of Conduct")** provides the principles of good conduct and ethics that Members are expected to demonstrate in the performance of their duties. These standards are based on the principles of integrity and respect, objectivity and justice, responsibility and accountability, and openness and transparency.

The purpose of this **Code of Conduct** is to provide standards of conduct to supplement those standards set out in the laws of the Province of Ontario and the Government of Canada, within which the Members must operate, including:

- *Municipal Act, 2001*;
- *Municipal Conflict of Interest Act (MCIA)*;
- *Municipal Elections Act, 1996*;
- *Municipal Freedom of Information and Protection of Privacy Act*; and
- *Criminal Code of Canada*.

The role of Commentary is to assist with interpreting the **Code of Conduct**. The Commentary sections appear in consolidated versions of the **Code of Conduct By-law** that will be updated periodically but will not form part of the **Code of Conduct** that is adopted by by-law.

## 2.0 Key Principles

A Member shall at all times be seen to serve the interests of the Municipality in a conscientious and diligent manner and shall approach decision-making with an open mind. The purpose of the **Code of Conduct** is to establish standards of conduct for Members of Council, Local Boards, and Committees to ensure that Members carry out their duties in a manner that reflects the following six key principles:

### 2.1 Honesty and Integrity

Members of Council, Local Boards, and Committees shall uphold the highest standard of ethical behaviour. This means the following:

- (a) Members have a duty to perform their obligations under their Oath of Office with honesty and integrity;
- (b) Members are responsible for making truthful statements. No Member shall make a statement when they know that statement is false. No member shall make a statement with the intent to mislead Council or Administration or members of the public;
- (c) Members have a duty to make impartial decisions that benefit the municipality and are fair and equitable to all residents;
- (d) Members have a duty to uphold both the letter and the spirit of the laws of the Government of Canada and the Province of Ontario as well as the laws, by-laws, policies, and procedures adopted by the Municipality of Lakeshore; and
- (e) Members shall be free from undue influence and must not act for personal gain or the gain of a Member's family, friends or business interests.

### 2.2 Accountability

Members of Council, Local Boards, and Committees are responsible for their decisions and the outcomes of those decisions. This includes the act of not making a decision when a decision-making opportunity is expected of Council. Council Members should avoid making decisions or refraining from making decisions when harm could result. Decision-making processes must be transparent and subject to public scrutiny, when at all possible, to promote public confidence.

## 2.3 Responsibility

Members of Council, Local Boards, and Committees will act responsibly, within the laws of the Government of Canada and the Province of Ontario as well as the laws, by-laws, policies, and procedures adopted by the Municipality of Lakeshore, including the *Procedural By-law* and the **Code of Conduct for Members of Council, Local Boards, and Committees**. This includes:

- (a) Disclosing actual or potential conflicts of interest related to a Member's public duties;
- (b) Taking steps to resolve a conflict for the protection of the public interest;
- (c) Following the letter and spirit of the laws of Canada and Ontario and the laws, by-laws, and policies and procedures of the Municipality of Lakeshore; and
- (d) Exercising all conferred powers strictly for the purpose for which the powers have been conferred.

## 2.4 Leadership

Members of Council, Local Boards, and Committees will demonstrate and promote the key principles of the **Code of Conduct** through their decisions, actions, and behaviour. A Member's behaviour must build and inspire the public's trust and confidence in local government.

## 2.5 Respect and Civility

Members of Council, Local Boards, and Committees will conduct themselves with decorum and with proper attention to the Municipality's *Procedural By-Law*. They will value human dignity and equality by always treating each other and others with respect and in a civil manner. They will respect the privacy of the individual. This includes not using derogatory language, respecting the rights of other people, treating people with courtesy, and recognizing the different roles others play in local government decision-making.

## 2.6 Openness

Members of Council, Local Boards, and Committees have a duty to be as open as possible about their decisions and actions. This means communicating appropriate information openly to the public about decision-making processes and issues being

considered, encouraging appropriate public participation, communicating clearly and providing an appropriate means for recourse and feedback.

## 3.0 Application

### 3.1 Application – Generally

Subject to Rule 3.2, this **Code of Conduct** applies to the Mayor, Deputy Mayor, and all Members of Council of the Municipality of Lakeshore and to Council appointments to Local Boards, as defined in section 1(1) of the *Municipal Act, 2001*, and to Municipal Committees.

### 3.2 Local Boards with Codes of Conduct

The provisions of the *Municipal Conflict of Interest Act* also apply to Local Boards with decision-making power, as defined in that Act. If a Local Board, as defined in Section 1(1) of the *Municipal Act, 2001*, has its own **Code of Conduct** for its Members and there is a conflict between a provision the Code for the Local Board and this **Code of Conduct**, the stricter of the two shall apply.

## 4.0 Interpretation

This **Code of Conduct** is intended to be interpreted in a broad, liberal, and purposive manner in conjunction with the *Municipal Act, 2001* and the *Integrity Commissioner By-laws*. In this **Code of Conduct**, the following terms have the following meanings:

The terms “**child**”, “**parent**” and “**spouse**” have the same meaning as in the *Municipal Conflict of Interest Act*;

“**Complainant**” means a person who believes that a Member’s behaviour or conduct contravenes the **Code of Conduct** and has filed a Complaint under Part 2 of the **Complaint Management Protocol** of the Municipality of Lakeshore;

“**Complaint**” means a statement filed on the prescribed **Complaint Form** and directed to the Integrity Commissioner in accordance with Part 2 of the **Complaint Management Protocol** alleging that a Member has violated the **Code of Conduct** of the Municipality of Lakeshore. Complaints may be Informal or Formal

“**Conflict of interest**” has the same meaning as in the *Municipal Conflict of Interest Act*;

“**Council**” refers to the current elected Council for the Municipality of Lakeshore;

**"Integrity Commissioner"** means the Integrity Commissioner appointed by Council pursuant to section 223.3 of the *Municipal Act, 2001* to provide independent and consistent advice to Members of Council, Local Boards, and Committees on issues under the **Code of Conduct** and the *Municipal Conflict of Interest Act (MCIA)* and to undertake Complaint investigation and resolution respecting the Application of the **Code of Conduct**;

**"Member"** means a person elected to the Municipal Council of Lakeshore or appointed to a Local Board or Committee of the Municipality of Lakeshore;

**"Municipality"** means the Municipality of Lakeshore; and

**"Person"** includes an individual, corporation, partnership, association and any other entity as the context allows.

## **Part B: Standards of Conduct**

### **5.0 Confidentiality**

#### **5.1 Definition**

**"Confidential Information"** is verbal or written information that is implicitly confidential in nature, which may or may not be marked or communicated in a private manner, including but not limited to:

- (a) Personal Information;
- (b) Information pertaining to the security of the property of the Municipality or Local Board;
- (c) Information pertaining to personal matters about an identifiable individual, including Municipal or Local Board employees;
- (d) Information including plans relating to the management of personnel or the administration of an institution that have not yet been put into operation or made public;
- (e) Information pertaining to a proposed or pending acquisition or disposition of land by the Municipality or Local Board;
- (f) Information pertaining to labour relations or employee negotiations;

- (g) Information pertaining to litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality or Local Board;
- (h) Information including advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (i) Information pertaining to a matter in respect of which a Council, Local Board, or Committee or other body may hold a closed meeting;
- (j) Information explicitly supplied in confidence to the Municipality or Local Board by Canada, a province or territory, or a Crown agency of any of them;
- (k) Information including a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Municipality or Local Board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (l) Information that, if disclosed, could reasonably be expected to seriously threaten the health or safety of an individual;
- (m) Trade secret or scientific, technical, commercial or financial information that belongs to the Municipality or Local Board and has monetary value or potential monetary value;
- (n) Proposed plans, policies or projects of an institution if the disclosure of that information could reasonably be expected to result in premature disclosure of a pending policy decision or undue financial benefit or loss to a person;
- (o) Information whose disclosure could reasonably be expected to be injurious to the financial interests of an institution;
- (p) Information whose disclosure could reasonably be expected to prejudice the economic interests of an institution or the competitive position of an institution;
- (q) Information obtained through research by an employee of an institution if the disclosure could reasonably be expected to deprive the employee of priority of publication;
- (r) A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the Municipality or Local Board;
- (s) Questions that are to be used in an examination or test for an educational purpose;

- (t) Information included in a meeting or part of a meeting that is closed to the public if the subject matter of the meeting is:
  - a. a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the Council, Local Board, commission or other body is the head of an institution for the purposes of that Act; or,
  - b. an ongoing investigation respecting the Municipality, a Local Board or a Municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act or a closed meeting investigator or Municipal ombudsman appointed pursuant to the *Municipal Act, 2001*; and,
- (u) Information communicated in a meeting of Council or Local Board or of a Committee of either of them that may be closed to the public for the purpose of education and training.

**“Personal Information”** means information about an identifiable individual, including but not limited to:

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- (c) any identifying number, symbol or other particular assigned to the individual;
- (d) the address, telephone number, fingerprints or blood type of the individual;
- (e) the personal opinions or views of the individual except if they relate to another individual;
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- (g) the views or opinions of another individual about the individual; and
- (h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

## 5.2 General Rule

- (a) No Member shall disclose Confidential Information acquired by virtue of their office to anyone to whom access is not authorized, except as required by law or when authorized by Council to so do.
- (b) No Member shall use Confidential Information except for the purpose for which it was obtained. In particular, no Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.
- (c) Members should not access or attempt to gain access to confidential information in the custody of the Municipality unless it is necessary for the performance of their duties.

## 5.3 Closed Meetings

- (a) A matter that has been discussed at a closed meeting remains confidential. No Member shall disclose the content of any such matter, or the substance of deliberations, of the closed meeting until the Council, Local Board, or Committee, as the case may be, discusses the information at a meeting that is open to the public or releases the information to the public.
- (b) A Member may disclose the content of any matter referred to in the preceding paragraph or the subject matter of deliberations, at a closed meeting, only after the Council, Local Board, or Committee, as the case may be, lawfully and knowingly discusses the information at a meeting that is open to the public or releases the information to the public.

## 6.0 Gifts & Benefits

### 6.1 Interpretation

In this section, the term “**Benefit**” includes fee, advance, advantage, or service.

### 6.2 General Rule

- (a) Council Members shall not accept a gift or Benefit that is connected directly or indirectly with the performance of their duties of office, unless permitted by the exceptions listed in section 6.3 below.
- (b) For purposes of this policy, a gift or Benefit provided to a Member’s spouse, child, or parent, with the Member’s knowledge, is deemed to be a gift or Benefit to that Member.



## 6.3 Exceptions

The following are recognized as exceptions pursuant to section 6.2:

- (a) Compensation authorized by law;
- (b) A political contribution otherwise reported by law, in the case of Members running for office in a municipal election;
- (c) Services provided without compensation by persons volunteering their time;
- (d) A suitable memento of a function honouring the Member;
- (e) Food, lodging, transportation and entertainment provided by federal, provincial, regional and local governments or political subdivisions of such, or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity;
- (f) Food and beverages consumed at banquets, receptions or similar events, if:
  - a. Attendance serves a legitimate business purpose;
  - b. The person extending the invitation or a representative of the organization is in attendance; and
  - c. The value is reasonable and the invitations infrequent; and
- (g) Communication to the home or offices of a Member, including subscriptions to newspapers and periodicals.

## 6.4 Exception Not to Apply

With the exception of category 6.3 (c), the above noted exceptions do not apply where such gifts or Benefits are provided by an individual lobbying a Member with respect to:

- (a) Development, introduction, passage, defeat, amendment, reconsideration, repeal or rescinding of a by-law or resolution on any matter;
- (b) Procurement of goods or services and the award of a contract by the Municipality;
- (c) Development, approval, amendment, modification, or termination of a policy including one dealing with a level of service;

- (d) Approval, approval with conditions, modification, or denial of an application for a service, grant, planning application, permit or other licence or permission;
- (e) Award of a financial contribution, grant or other financial Benefit by or on behalf of the Municipality, its Local Boards, and Committees; or
- (f) Determination of the method for delivering a service.

## **6.5 Maximum Gift**

In the case of the exceptions noted above, but excluding 6.3 (a), (b), and (e), no Member shall accept a gift or Benefit worth in excess of \$500 or gifts or Benefits from one source during a calendar year worth in excess of \$500.

## **6.6 Member Consideration**

In the event that a Member doubts whether acceptance of a gift or Benefit would be a violation of this section, a Member should not accept the gift or Benefit. In the event that a Member receives a gift or Benefit in violation of this section, the Member shall take reasonable steps to return it.

## **6.7 Public Accountability**

Each Member is individually accountable to the public and shall keep a list of all gifts and benefits received from individuals, firms, or associations, with estimated values, for review by the Integrity Commissioner in the event of a Complaint.

## **6.8 Disclosure Statement**

- (a) In cases of categories 6.3 (b), (e), (f), and (g), if the value of the gift or Benefit exceeds \$300.00, or if the total value received from any one source during the course of a calendar year exceeds \$300.00, the Member shall file a disclosure statement with the Integrity Commissioner within 30 days of receipt of the gift or reaching the annual limit.
- (b) The disclosure statement must indicate:
  - a. The nature of the gift or Benefit;
  - b. The source and date of receipt;
  - c. The estimated value of the gift or Benefit;
  - d. What the recipient intends to do with any gift or Benefit; and

- e. Whether the gift or Benefit will at any point be the property of the Municipality.
- (c) A disclosure statement prepared in accordance with this section will be posted on the Municipality's website.

## **6.9 Duty of Integrity Commissioner**

- (a) Upon receipt of a disclosure statement, the Integrity Commissioner shall examine the statement to determine whether the receipt of the Benefit may reasonably create a conflict between a private interest and the duties of the Member.
- (b) If the Integrity Commissioner makes a determination that the receipt of a Benefit may reasonable create the conflict described in (a), the Integrity Commissioner shall call upon the Member to justify receipt of the Benefit.
- (c) Should the Integrity Commissioner determine that receipt was inappropriate, the Integrity Commissioner may direct the Member to return the gift, reimburse the donor for the value of any gift or Benefit already consumed, forfeit the gift, or remit the value of any gift or Benefit already consumed to the Municipality.

## **7.0 Improper Use of Influence**

### **7.1 General Rule**

No Member shall use the influence of his or her office for any purpose other than the exercise of his or her official duties.

### **7.2 Prohibited Conduct**

- (a) Prohibited conduct includes the use of one's status as a Member to improperly influence the decision of another person to the private advantage of oneself, or one's parents, children, spouse, staff members, friends, or associates (business or otherwise).
- (b) Prohibited conduct includes attempts to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties.

### 7.3 Meaning of “Private Advantage”

For the purpose of this **Code of Conduct**, “**Private advantage**” does not include a matter:

- (a) that is of a general application;
- (b) that affects a Member, their parents, children, spouse, staff members, friends, or associates as one of a broad class of persons; or
- (c) that concerns the remuneration or benefits of a Member in the capacity as a Member.

### 7.4 Promise of Future Advantage

Members shall not hold out the prospect or promise of future advantage through a Member’s supposed influence within Council, Local Board or Committee, as the case may be, in return for the Member’s present action or inaction.

## 8.0 Conflict of Interest

### 8.1 *Municipal Conflict of Interest Act and Procedural By-law Binding*

- (a) Members are bound by the Municipal Conflict of Interest Act of the Province of Ontario and the Procedural By-law of the Municipality of Lakeshore to identify and disclose any pecuniary interest in any item or matter before the Council, Local Board, or Committee, as the case may be.
- (b) The purpose of this provision is to maintain public confidence in the Municipality and to avoid conduct of a Member that involves, or appears to involve, a conflict between public duty and private interest.
- (c) The provisions of the Municipal Conflict of Interest Act may be enforced in the same manner as if they were provisions set out in the Code of Conduct of the Municipality of Lakeshore.

### 8.2 No Special Advantage to be Granted

Members shall not participate in activities that grant, or appear to grant, any special consideration, hearing, treatment, or advantage to an individual which is not applicable to every other individual member of the public.

**Commentary:** It is unlikely that these situations will arise frequently. Nonetheless, here is an **Example:** A famous pop music star is coming to a municipally owned arena or concert hall in the community. Tickets are at a premium but Members of Council decide to allocate a block of tickets for purchase by Members of Council and their families and friends rather than make them available to the public at large. This would be “grant(ing), or appear(ing) to grant, any special consideration, treatment, or advantage to an individual which is not applicable to every other individual member of the public” and is prohibited by this provision. To quote the Ombudsman: “It is always worrisome when elected officials appear to be gaining personally from their positions, or when they appear to prefer their own self-interest to that of the people they serve.” (See **Investigation into City of Greater Sudbury Council Closed Meeting of February 20, 2008**, Handed down April 25, 2008.)

### 8.3 Advice May be Sought from Integrity Commissioner

Members may seek conflict of interest advice, including a written opinion, from the Integrity Commissioner, as per Rule 19.0 of this **Code of Conduct**. However, this will not provide immunity in any proceeding in a court of law brought pursuant to the *Municipal Conflict of Interest Act*.

### 8.4 Furthering Private Interests and the Interests of Other Relations

- (a) Members shall not use their positions to further their private interests, nor shall they vote on any issue at Council, Local Board, or Committee that puts them in a real or apparent conflict with their personal pecuniary interest. They shall declare their conflict and recuse themselves.
- (b) Members shall take all necessary steps to avoid preferential treatment or the appearance of preferential treatment for friends or family. More particularly, Members shall recuse themselves from matters that pose a conflict with the pecuniary interests of their spouses, parents, or children.

### 8.5 Concurrent Employment

Members shall not accept concurrent employment by an outside interest that is either incompatible with or in conflict with their official duties.

## 9.0 Conduct at Meetings

### 9.1 General Rule

At all meetings of Council, Local Boards, and Committees, Members will conduct themselves with decorum in accordance with all applicable statutes and the Municipality's *Procedural By-Law* which provides for the rules of order and procedure for Council, its Local Boards, and Committees.

**Commentary:** As noted in Section 13, a violation of a Municipal By-law, policy or procedure will also be deemed to be a violation of the **Code of Conduct**. This is particularly applicable to the *Procedural By-law* which provides standards of conduct for all Members.

### 9.2 Co-operation

Members shall recognize the importance of co-operation and will strive to create an atmosphere that is conducive to solving the issues before Council, local Boards, and Committees, as the case may be.

### 9.3 Specific Rules of Conduct

The following specific rules of conduct apply to all Meetings of Council, Local Boards, and Committees:

- (a) Members shall listen to various points of view and use respectful language and behaviour towards those in attendance at such meetings;
- (b) Members shall not use indecent, offensive words or insulting expressions at any time toward other Members, Administration, delegations, or members of the public;
- (c) Members shall not speak in a manner that is discriminatory in nature based upon an individual's race, ancestry, place of origin, ethnic origin, creed, gender, sexual orientation, age, colour, marital status, or disability;
- (d) Members shall not distract from the business of the Municipality during presentations or when other Members, Administration, or members of the public have the floor; and
- (e) Members shall not maliciously or falsely injure another Council Member, Member of Administration, or a member of the public during a meeting of Council, Local Boards, and Committees, as the case may be.

## **10.0 Conduct Respecting Administration**

### **10.1 General Rule**

No Member shall use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any Members of Administration with the intent of interfering with that person's duties, including the duty to disclose improper activities.

### **10.2 Respect for the Neutrality and Objectivity of Administration**

A Member shall be respectful of the role of Administration and its members as expert advisors who are politically neutral and objective. Members shall permit Administration to perform their roles without undue influence from any individual Member or faction of Council, Local Board, or Committee, as the case may be. Accordingly, no Member shall maliciously or falsely injure or impugn the professional or ethical reputation, or the prospects or practice of Members of Administration, and all Members shall show respect for the professional capacities of the Administration of the Municipality.

### **10.3 Requests of Administration**

A Member wishing to make a request or inquiry of Administration shall direct the request to the Chief Administrative Officer or Director of the relevant department and the Chief Administrative Officer or Director shall correspond with the Council Member in relation to that matter. In the case of a Committee or Board, requests shall be directed to the Municipal Liaison for the Committee. Members shall not correspond with other employees in relation to Council business.

### **10.4 Requests of Confidential Information**

A Member shall not request that Administration provide them with confidential information to which the Member does not have access and is not entitled.

### **10.5 Political Activities**

No Member shall compel or attempt engage a Member of Administration in partisan political activities or subject a Member of Administration to threats or discrimination for their refusal to engage in such activities.

## 11.0 Discreditable Conduct

### 11.1 Obligation of Council Members

All Council 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 the work environment is free from discrimination and harassment.

### 11.2 Other Obligations to Apply

- (a) The *Ontario Human Rights Code*, the *Municipal Conflict of Interest Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, the *Occupational Health and Safety Act*, and the *Criminal Code of Canada* apply to the conduct of all Members.
- (b) In addition, Members shall adhere to all laws, by-laws, policies and procedures of the Municipality of Lakeshore including the *Procedural By-law*, the *Remuneration By-law*, the Purchasing Policy, the Workplace Violence and Harassment Policy, the Council Members – Administration Relations Policy, and such other policies as may describe standards of conduct applicable to Members.

**Commentary:** Members can use social media as an effective and powerful tool. These platforms create open and instant access to the Member's constituents and the general population. Further, Council Members can use social media to build and/or enhance their personal profiles through the content they share online. Members can also gain valuable insight through online interactions with their constituents and this can, in turn, inform debate at Meetings and assist in the development of better policies for the Municipality. However, social media can be an extremely limiting platform, with very little room for nuance and context. Members have an obligation to ensure their "posts" are accurate. Members must be mindful that they are still Members of Council, Local Boards, or Committees, as the case may be – in some instances, even when using their "personal" accounts. The basic rule is as follows: ***A Member's interaction with other users on social media should be treated as if it were a face-to-face communication.*** The foregoing also applies to Conduct at Meetings (section 9) and Conduct Respecting Administration (section 10).



## 12.0 Transparency and Openness

### 12.1 Openness – General Principle

Members shall endeavour to conduct and convey Council, Local Board, and Committee business and all their duties in an open and transparent manner other than for those decisions which by virtue of legislation are authorized to be deliberated upon in a closed session, so that stakeholders can observe the process and rationale which was used to reach decisions, and the reasons for taking certain actions.

**Commentary:** On occasion, Members are called upon to fulfil a judicial or quasi-judicial function. It is very important in these instances for Members to be objective and to be seen to be objective in their decision making. Allegations of bias or the apprehension of bias must be avoided. Consequently, if an application is being made to Council or a Local Board or Committee, it is important that Members not have contact with the individuals in advance of the application being heard.

### 12.2 Accurate Communications

Members shall accurately communicate the decisions of Council, Local Boards, and Committees even if they disagree with the majority decision, and by so doing shall affirm the respect for, and integrity of, the decision-making processes of Council, the Local Board, and Committee, as the case may be.

### 12.3 Refraining from Disparaging Comments

Members shall avoid criticizing decisions of Council, Local Boards, and Committees. A Member may state that they did not support a decision or voted against a decision. However, Members shall refrain from making disparaging comments about other Members or about the processes and decisions. When communicating with the public, a Member shall at all times refrain from speculating or reflecting upon the motives of other Members in respect of their actions as a Member of Council, Local Board, or Committee, as the case may be.

## 13.0 Failure to Adhere to Council Policies

Members shall adhere to all required policies and procedures of the Municipality of Lakeshore. This provision does not prevent a Member from requesting that an exemption from a policy be granted.

**Commentary:** The effect of Section 13 is two-fold: First, it provides that a violation of a Municipal policy or procedure will also be deemed to be a violation of the **Code of Conduct**. This is particularly applicable to the *Procedural By-law*; and, second, this provision does not disqualify a Member from seeking an exemption where one is available to other residents of the Municipality.

## 14.0 Use of Municipal Property, Services and Other Resources

### 14.1 Interpretation

In this section, “Other resources” can include, but are not limited to, municipally owned materials, websites, transportation and delivery services, and budgets.

### 14.2 General Rule

- (a) A Member shall not use municipal resources including personal, real or intellectual property, owned or leased facilities, equipment, supplies, money, staff or other resources other than in the performance of the Member’s lawful duties as a Member.

**Commentary:** Members shall not realize personal financial gain from the use or sale of intellectual property developed or owned by the Municipality (for example, creative writings and drawings, Municipality of Lakeshore logo and so forth), technical innovations or other items capable of being patented.

- (b) A Member shall not individually permit or authorize the use of municipal resources. Only Council is permitted to authorize the use of municipal resources.

### 14.3 Municipal Elections

Notwithstanding any other provisions in this **Code of Conduct**, Council Members are required to follow the provisions of the *Municipal Elections Act, 1996*. No Council Member shall use the facilities, equipment, supplies, services or other resources of the Municipality for any election campaign or campaign-related activities. Council Members shall not undertake campaign-related activities on Municipal property and shall not use the services of Administration for election-related purposes during hours in which those persons receive any compensation from the Municipality.

## 15.0 Remuneration

Every Member of Council shall, on an annual basis, publicly disclose all remuneration paid to him or her as a result of being elected as a Member of Council, including all amounts earned in connection with sitting on any and all Agencies, Boards, Commissions, and Council Committees to which they have been appointed by virtue of being Members of Council.

**Commentary:** The Treasurer discloses, on an annual basis, Members' salaries, including all amounts earned in connection with sitting on any and all Agencies, Boards, Commissions, and Council Committees to which they have been appointed by virtue of being Members of Council. Members should check with the Treasurer to ensure that all of their earnings have been disclosed and, if they have not, a supplementary disclosure should be made.

## 16.0 Business Relations

### 16.1 Acting as a Paid Agent

No Member shall act as a paid agent before Council, its committees, or an agency, board, or commission of the Municipality except in compliance with the *Municipal Conflict of Interest Act*.

### 16.2 Referral for Payment

No Member shall refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

### 16.3 Borrowing Money

No Member shall borrow money from any person who regularly does business with the Municipality unless such person is an institution or company regulated under the *Bank Act*, SC 1991, c 46.

## 17.0 Conduct Concerning Current or Prospective Employment

No Member shall allow their current employment or the prospect of their future employment by a person or entity to affect the performance of their duties to the Municipality.

## ***Part C: Procedural Matters***

### **18.0 Reprisals and Obstruction**

Members shall respect the integrity of the **Code of Conduct** and investigations conducted under it. Any reprisal or threat of reprisal against a Complainant or anyone providing relevant information to the Integrity Commissioner is prohibited. It is also a violation of the **Code of Conduct** to obstruct the Integrity Commissioner in carrying out the responsibilities of the Office through, for example, the destruction of documents or the erasing of electronic communications.

**Commentary:** It is prohibited for a Member or anyone acting on behalf of a Member to obstruct the Integrity Commissioner in the investigation. Therefore, the destruction of documents or the erasing or deleting of electronic communications is prohibited. Similarly, a Member or someone acting on behalf of a Member shall not retaliate or threaten to retaliate against the Complainant or anyone offering evidence against the Member.

**Example:** An employee of the Municipality has complained to the Integrity Commissioner about a Member's conduct towards the employee. It would be a further exacerbating violation of the **Code of Conduct** if the Member threatened to have the employee dismissed from his/her/their position with the Municipality.

### **19.0 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, as long as all of the relevant facts known to the Member were disclosed in writing to the Integrity Commissioner prior to the written advice being requested.

### **20.0 Compliance and Sanctions**

#### **20.1 Recommendations for Corrective Action**

Any recommendations for corrective action by the Integrity Commissioner must be permitted by law and shall be designed to ensure that the inappropriate behaviour or activity does not continue.

## 20.2 Penalties May be Imposed

In accordance with Section 223.4(5) of the *Municipal Act, 2001*, Council has the authority, following a Report by the Integrity Commissioner, to impose either of two penalties on a Member of Council, a Local Board, or Committee where, in its opinion, there has been a violation of the **Code of Conduct**:

- (a) A reprimand; or
- (b) Suspension of the remuneration paid to the Member in respect of the Member's services for a period of up to 90 days.

## 20.3 Other Remedial Actions

For remedial purposes, the Integrity Commissioner may also recommend that Council take one or more of the following actions:

- (a) Revocation of a Member's membership on a Local Board or Committee;
- (b) Removal of a Member as the Chair of a Local Board or Committee;
- (c) Repayment or reimbursement of monies received;
- (d) Return of property or reimbursement of its value; or
- (e) Request an apology to Council, the Complainant, or both.

**Commentary:** Pursuant to Section 223.4(5) of the *Municipal Act, 2001*, Council has, for the purpose of denunciation and deterrence, the authority, following a Report by the Integrity Commissioner, to take corrective action by imposing either of the two penalties noted in section 20.2. However, for remedial purposes, Council may take one or more of the actions noted in section 20.3. In both instances, however, the role of the Integrity Commissioner is to make recommendations; it is the role of Council to take the appropriate corrective or remedial action or both.