

THE CORPORATION OF THE  
TOWNSHIP OF ASPHODEL-NORWOOD

BY-LAW No. 2011-20

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***Being a by-law to establish a Code of Conduct for the Township of  
Asphodel-Norwood.***

**WHEREAS** Section 11 of The Municipal Act S.O. 2001, c.25, as amended, authorizes municipalities to pass by-laws regarding Accountability and Transparency of the municipality and its operations and of its local boards and their operations; and

**WHEREAS** Section 223.2(1) of the Municipal Act, S.O. 2001, c.25, as amended, authorizes municipalities to establish codes of conduct for members of the council of the municipality and of local boards of the municipality; and

**WHEREAS** Section 223.3(5) of the Municipal Act, S.O. 2001, c.25, as amended, authorizes penalties for a contravention of the code of conduct; and

**WHEREAS** Council of the Corporation of the Township of Asphodel-Norwood deems it expedient to establish a Code of Conduct for Council;

**NOW THEREFORE** the Council of the Corporation of the Township of Asphodel-Norwood hereby enacts as follows:

1. That this Council does hereby adopt the Code of Conduct, attached hereto as Schedule "A".
2. That Schedule "A" forms part of this by-law.
3. That this by-law shall come into force and effect upon receiving the final passing thereof.

Read a first and second time this 26<sup>th</sup> day of April, 2011.

Read a third time and finally passed this 24<sup>th</sup> day of May, 2011.

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Reeve Douglas J. Percy

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CAO / Clerk Valerie J. Przybilla

# **TOWNSHIP OF ASPHODEL-NORWOOD**

## **COUNCIL CODE OF CONDUCT**

### **Schedule 'A' to By-law 2011-20**

Pursuant to the Municipal Act, S.O. 2001, as amended, which provides municipalities with the authority to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues, the Corporation of the Township of Asphodel-Norwood passed by-law 2011-20 on May 24, 2011 which adopted this document, being the "Township of Asphodel-Norwood Council Code of Conduct".

Pursuant to By-law 2011-20, this "Code of Conduct" applies to and binds all members of municipal Council and shall be acknowledged by signature by members of Council.

This document will better the Township's ability to govern the affairs of the Township of Asphodel-Norwood.

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## SECTION 1

### CONFIDENTIALITY

1. Council members shall keep confidential any information:
  - a) Disclosed or discussed at a meeting of Council or Committee of the Whole, or part of a meeting of Council or Committee of the Whole that was closed to the public.
  - b) That is circulated to members of Council that is distributed for closed session or marked confidential.  
  
Any documentation marked confidential shall be kept securely until no longer required in the course of business and shall at that time be destroyed by the member of Council or returned to the office of the Clerk for destruction.
  - c) That is received in confidence verbally in preparation of the closed meeting.
2. The obligation to keep information confidential applies even if the member ceases to be a member of Council.

## SECTION 2

### COUNCIL & STAFF – ROLES & RESPONSIBILITIES

The role of Council and Staff is traditionally one of the first items to be clarified for a new council. Clearly defined roles, distinguishing between the concepts of “governance” and “management” are critical to the success of a municipality. It should be reinforced at the outset that Council sets the policy for the community; it does not participate in the daily operations of the municipality.

#### **1. Legislated Responsibilities – Municipal Act, 2001**

##### **It is the role of Council,**

- a) to represent the public and to consider the well-being and interests of the municipality;
- b) to develop and evaluate the policies and programs of the municipality;
- c) to determine which services the municipality provides;
- d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- e) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- f) to maintain the financial integrity of the municipality; and
- g) to carry out the duties of Council under this and any other Act.

### **It is the role of the Head of Council,**

- a) to act as the chief executive officer of the municipality;
- b) to preside over Council meetings so that its business can be carried out efficiently and effectively;
- c) to provide leadership to the Council;
- d) without limiting clause (c), to provide information and recommendations to the Council with respect to the role of Council described in clauses 224(d) and (d)(1);
- e) to represent the municipality at official functions; and
- f) to carry out the duties of the head of council under this or any other Act.

### **It is the role of officers and employees of the municipality,**

- a) to implement Council's decision and establish administrative practices and procedures to carry out Council's decisions;
- b) to undertake research and provide advice to Council on the policies and programs of the municipality; and
- c) to carry out other duties required under this and any other Act and other duties assigned by the municipality.

### **1. Interaction with Staff**

Over the past number of years the Township has worked diligently at creating a positive working relationship between Council and staff. To a large degree this has been successful due to a mutual respect for each other's roles and responsibilities.

- a) Township Council acting as a body, can dictate that staff perform such duties as are necessary to the efficient management of the affairs of the community, and/or research such matters as the Council deems necessary. Individual Council members do not have authority to direct the CAO or staff.
- b) The Role of the CAO is to direct the day to day management of the municipality, and assign duties to the staff placed under his/her supervision. To encourage the efficient management of the community, individual Council members are requested to be cognizant of that fact and are advised of the following:
  - i) Members of Council will respect and adhere to the Policies set by Council, and will under no circumstances take it upon themselves, individually, to circumvent established policies.
  - ii) Council, as a body, and as individuals, will liaise with the CAO only. This requirement is not designed to interfere with the normal flow of information with those staff members (administrative assistants, Clerk, Committee secretaries) who have been assigned the responsibility of providing information to members of

Council such as meeting times, copies of documents, information on standard operating procedures, etc. by the CAO.

- iii) Questions or issues surrounding operational concerns or complaints, excluding the basic issues covered in (ii) above, should be directed to the Manager, through the CAO.
- iv) Members of Council who still have concerns about operational issues, after addressing them with the CAO, should raise these concerns at Committee of the Whole.
- v) The municipality has never had a practice of providing secretarial and /or research services for individual members of Council. Should information be required by individual Council members, a request should be made to the CAO, who will then decide which staff member will obtain the data.

In the extended absence of the CAO, or in the case of an urgent matter where the CAO is not available, inquiries should be made through the Deputy Clerk.

- vi) Provincial downloading, and municipal downsizing, has resulted in each municipal staff person being asked to perform a substantial workload. When in attendance at the Township Office, Council members should respect the fact that these are busy people.

## **2. Rules of Etiquette – Meetings**

Adhering to generally accepted Rules of Etiquette and the observation of common courtesy will go a long way toward fostering good working relations between Council and staff.

### **a) Closed Meetings: Note taking / Minutes**

- i) It is the policy of the Township of Asphodel-Norwood that no other recordings will be kept for any meeting, or part of any meeting, that is closed to the public except those which are required by the Municipal Act 2001, S.O. 2001, C.25, as amended.
- ii) Recordings shall include the taking of minutes or other recording of proceedings, taking notes, the making of basic calculations, etc., by staff other than the Clerk or his/her designate.
- iii) It is recognized that members of Council and staff members may do basic calculations on paper in the course of a closed meeting. Any such calculations shall be collected by the Clerk for destruction prior to

reconvening in open session. Any recordings outside of basic calculations shall not be permitted except those which are required by the Municipal Act 2001, S.O. 2001, C.25, as amended.

- iv) Where, in accordance with Section 239(6) of the Municipal Act 2001, a vote is held for a “procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under contract with the municipality or local board”, the appropriate staff member may record the direction for their use if necessary and approved by Committee.
  - v) Anyone making recordings which exceed these limits may be expelled for improper conduct at a meeting. Repeated offenses may be dealt with under the “Breach of Policy” section of this Code of Conduct.
- b) The member of Council should advise the CAO prior to the meeting to allow the CAO to carry out the appropriate research, if a response is expected at the meeting at which the member of Council enquiry will be made.
  - c) The Presiding Officer should never allow members of Council or delegations at Council or Committee of the Whole to publicly criticize identifiable employees. It is the responsibility of the Presiding Officer to ensure that both parliamentary procedure and rules of etiquette are observed by those in attendance.
  - d) Members of Council may make reports in accordance with the procedural by-law. When there is more than one member of Council on a board/committee, the members of Council will share the reporting in a fair and equitable manner.

### **3. Rules of Etiquette – Public Inquiries / Meetings**

#### **Operational Inquiries / Complaints**

- a) Members of Council who are approached by the public with inquiries/complaints regarding operational matters should encourage the party to contact the appropriate Department for review/resolution.
- b) Where the member of the public is reluctant to contact the department directly, the member of Council should take the person’s name, phone number and details of the inquiry/complaint and advise them that the matter will be referred to the CAO for review/resolution.

#### **Policy Inquiries/Complaints**

- c) If a member of the public approaches a member of Council with an enquiry concerning policy issues decided by the Council, they should be requested to put the issue in

writing to Council and forward it to the Clerk so that it can be considered by Council at their next meeting.

- d) Where the member of the public is reluctant to put their concern in writing, the members of Council may request the issue be placed in a Council agenda for consideration or raise the policy questions with the Presiding Officer at a Council meeting.

### **SECTION 3**

#### **TRAVEL & EXPENSES**

##### **Authorized Travel**

Members of Council are entitled to receive reimbursement for expenses while attending the following:

- a) one annual conference of municipal associations of which the Township is a member;
- b) out-of-township business or training, as a representative of the Township or local board, provided that prior approval has been received for the Council.

##### **Travel Expense Statements**

- 1) Members are responsible for their respective Travel Expense Statements within ten days of their return from an out-of-township event covered by this policy;
- 2) Individual receipts must be filed with the Expense Statement for all travel expenses.
- 3) Members may choose their own method of transportation on the understanding that the most direct route and the most economical method must be used;
- 4) When more than one member is travelling in the same motor vehicle, only the owner of the said vehicle is entitled to reimbursement for mileage expenses as provided by this policy.
- 5) Members shall be responsible for all additional expenses incurred as a result of a spouse or companion travelling with them, save and except the cost of accommodation.

\*The mileage, per diem and maximum meal allowance will be established by the by-law establishing the remuneration and expenses for members of Council;

The Treasurer will provide an annual report to the municipal council detailing elected official remuneration and all expenses incurred against each elected

official's expense account, such report to be prepared on or before March 31<sup>st</sup> for each calendar year.

All elected official expense information is considered to be public information and shall be made available upon request to the Clerk.

## **SECTION 4**

### **GIFTS, HOSPITALITY AND OTHER BENEFITS**

The objectives of these policies is to ensure that members of Council make Council decisions based on impartial and objective assessment of each situation, free from influence of gifts, favours, hospitality or entertainment.

In this policy, gifts, commission, hospitality, reward, advantage or benefit of any kind, may be interchanged and shall be deemed to include all of the aforementioned.

1. The stipend paid to each member of Council is intended to fully remunerate members of Council for service to the Corporation.
2. Members of Council are prohibited from soliciting, accepting, offering or agreeing to accept gifts, commission, hospitality, reward, advantage or benefit of any kind, personally or through a family member or business connection, that is connected directly or indirectly with the performance of duties of office or could reasonably be construed as being given in anticipation of future, or recognition of past, "special consideration".

Members of Council are prohibited from accepting, directly or indirectly, any gifts, hospitality or other benefits that are offered by persons, groups or organizations having dealings with the Township.

3. The above policy does not preclude members of Council from accepting:
  - a) Token gifts, souvenirs, mementoes or hospitality received in recognition for service on a committee, for speaking at an event or for representing the Corporation at an event;
  - b) Political contributions that are otherwise offered, accepted and reported in accordance with applicable law.
  - c) Food and beverages at meetings, banquets, receptions, ceremonies or similar events.
  - d) Food, lodging, transportation, entertainment provided by other levels of government or by local government boards or commissions;

- e) A stipend from a board or commission that the member of Council serves on as a result of an appointment by Council;
- f) Reimbursement of reasonable expenses incurred and honorariums received in the performance of office;
- g) Reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations.
- h) Gifts of a nominal value that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of the office.

## **SECTION 5**

### **BREACH OF POLICY**

(Enforcement and Sanctions)

1. Where an alleged contravention of any policy in this Code of Conduct occurs, Council shall, upon request of any member of Council hold a special meeting of Committee of the Whole to determine if the Council member has breached this policy. The meeting shall be closed to the public, unless otherwise determined by the majority of members of Council present at the meeting.
2. The member of Council shall be given opportunity to address Council at the meeting and will be provided with sufficient time to explain the alleged breach of confidentiality. The members of Council shall be permitted to introduce other evidence including witnesses to support his or her position, and have the option of attending with legal counsel. Should the member of Council have legal counsel, the municipality shall have the right to legal representation.
3. Should Council determine that a member of Council has potentially breached a policy of the Code of Conduct, Council shall report in the rise and report that such a determination has been made, and shall, at a special open Council session called for that purpose, pass a Resolution that shall require the member of Council to appear before an in-camera Committee of the Whole meeting to be sanctioned.

The Sanction shall be ratified by Resolution at a session of Council.

4. Should Council feel that a breach may have occurred, but is unable to make a determination, Council may pass a resolution requesting a judge of the Ontario Superior Court of Justice to conduct an investigation of the member of Council's conduct under Section 274(1) of the Municipal Act. Should the Judge determine that a

breach has occurred, the penalties for such breach shall be determined in accordance with this Policy.

5. Sanctions include, but are not limited to, removal from Committee assignments either permanently or for an interim period, barring the member of Council from attendance at in-camera meetings either permanently or for an interim period, barring the member of Council from being circulated/informed of confidential materials/matters, or demand of an apology.
6. All Sanctions under this By-Law will be fair and in keeping with severity of the infraction, giving due regard to the Council member's previous conduct.
7. Nothing in this Section restricts or attempts to countermand a Council member's legal right to challenge a decision by Council through established legal channels.

## **SIGNATURE**

The undersigned member of Council hereby acknowledges receipt of a copy of By-law 2011-20, being the Reeve and Councillor's "Code of Conduct By-law".

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**Signature of Member of Council**

*Acknowledgement of Receipt of Code of Conduct Policies*

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**Date of Signature**

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PRINTED NAME

NOTE: The member of Council acknowledges that two copies of the by-law were provided to the member. One signed copy of the by-law was returned to the clerk and the duplicate copy was retained by the member of Council.