

## Council Code of Ethics



<b>Section</b>	<b>Date</b>	<b>Resolution Number</b>	<b>Page</b>	<b>Of</b>
City Council	January 28, 2002	5	1	7
<b>Subsection</b>	<b>Repeals By-Law Number</b>		<b>Policy Number</b>	
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### **Policy Statement**

Local Government is an open, accessible, and accountable form of government. The relationship of public trust and mutual respect that has evolved between government and the public requires high standards of ethical conduct by Municipal Council Members.

### **Purpose**

1. Protect the public interest. The practical application of the code's provisions in diverse situations may reveal gaps, ambiguities and inconsistencies in the code. In these circumstances, the protection of public interest, as it is consistent with the concept of "just cause" is to be taken as the true underlying intent of the code.
2. Encourage high ethical standards among Municipal Council Members.
3. Provide a universal understanding of the fundamental rights, privileges, and obligations of Municipal Council Members.
4. Provides a means for Municipal Council Members to obtain authorization for some contemplated conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct.
5. Set out the means of correcting unethical conduct.
6. Municipal Council Members hold positions of privilege. Therefore, they must discharge their duties in a manner that recognizes a fundamental commitment to the well being of the community and regard for the integrity of the Corporation.

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### Definitions

**Municipal Council Members** – include the Mayor and Members of Council of the City of Kenora.

**Public Comment** – disclosures made in a public speech, lecture, radio or television broadcast, in the press or book form.

**Confidential Information** – while the classification of information as “confidential” is a matter of Council discretion whether labeled as confidential or not, disclosure of information will not constitute a breach of the Code of Ethics unless that information is of an inherently confidential nature such as:

- a) Personal data of employees or others.
- b) Records related to internal policies and practices, which if disclosed, may prejudice the effective performance of a municipal operation.
- c) Records of a financial nature reflecting information given or accumulated in confidence.
- d) Files prepared in connection with litigation and adjudicative proceedings.
- e) Reports of consultants, policy drafts and internal communications, which, if disclosed, may prejudice the effective operation of the municipality.

**City** – includes The Corporation of the City of Kenora.

### Responsibilities

Council Shall

- a) Make such revisions, additions, or deletions to the Code of Ethics as may be justified under the concept of “just cause”.
- b) Following its review of the information decide on the appropriate action in matters concerning a Councillor’s ethical conduct.

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### Administrator shall

- a) Provide recommendations to Council on desirable revisions, additions, or deletions to the Code of Ethics.
- b) Advise of allegations and conduct inquiries relating to unethical conduct by Members of Council.
- c) Ensure the administrative controls referred to in the Code of Ethics are in place.

### Human Resources shall

- a) Fully inform newly appointed Council Members of the ethical standards they are expected to observe. If requested, to obtain clarification of the specific ethical standards the Council Member will be required to observe in a particular position.
- b) Keep Council Members informed, on an ongoing basis, of the Town's policy on ethical behaviour.

### Council Members

#### a) Integrity

Ultimately, ethical behaviour relies on the diligence of the individual. However, since a breach of ethics impacts not only on that Member of Council but also the Corporation, a code of ethics is the means by which the municipality acknowledges their responsibility in this area. Without restricting the scope of this rule, the following shall be considered breaches of the Code of Ethics:

- i) Conduct in one's private life or Council activities, which renders the Councillor unable to perform his or her duties satisfactorily. What moral standard a Councillor must adhere to will vary with the Councillor's relationship with the other Councillor, the City, and the public.
- ii) To knowingly breach the law in the performance of his/her duties or to request others to do so.
- iii) To intentionally falsify any of the City's records.

#### b) Impartiality

Every Municipal Council Member must perform his/her duties in an impartial manner.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Ethics:

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- i) No Member of Council shall grant any special consideration, treatment or advantage in matters related to his/her position on Council to any citizen beyond that which is available to any other citizen.

### Gifts and Benefits

The inherent pitfall in accepting gifts and benefits from outside sources is that regardless of the intent, in most instances the person providing the gift has something to gain from the recipient. Gifts and other benefits are the most obvious means of wielding some kind of influence regardless of how innocuous the gesture may appear to be on the surface.

Without restricting the scope of this rule, the following shall be considered breeches of the Code of Ethics:

- i) A Municipal Councillor must refrain from accepting gifts and benefits from firms or individuals.
- ii) A Member of Council must not place themselves in a position where they are under an obligation to favour an individual or firm.
- iii) There is a role for "moderate hospitality". Each Councillor must consult with Council to determine whether or not a specific gesture constitutes moderate hospitality.

### c. Conflict of Interest

Every Council Member shall have regard to the provisions contained in the Municipal Conflict of Interest Act, R.S.O. 1990.

### d. Financial Transactions

Every Municipal Council Member must adhere to City by-laws and policies regarding any municipal financial transaction.

### e. Confidentiality

Every Municipal Council Member must hold in strict confidence all information of a confidential nature acquired in the course of his or her term with the City.

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Without restricting the scope of this rule, the following shall be considered breaches of the Code of Ethics:

- i) To use confidential information which is not available to the general public and to which Members of Council have access by reason of his/her position with the City to further his/her personal interests or the interests of others.
- ii) To disclose to unauthorized persons confidential information to which the Member of Council has access by reason of his/her position as a Member of Council with the City.

### f. Political Activity

Municipal Members of Council are to be allowed as great a measure of political rights as can be reconciled with the need to ensure the fact and appearance of impartiality in the performance of their duties with the City as Councillors. The point at which any appropriate balance can be struck in any particular case depends primarily on the nature and level of the Councillor's responsibilities.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Ethics:

- i) To use the authority or influence of his/her position as a Municipal Councillor on behalf of a political party or candidate.

### g. Public Comment

Every Member of Council shall display the reserve inherent in his/her position with the City when publicly expressing his/her personal opinions on matters of political controversy or on existing or proposed municipal policy or administration. This policy is not intended to restrict the legitimate public comment of spokespersons of Council associations nor the public comment of Councillor's on matters of essentially a personal interest related to his/her position as a Councillor with the City of Kenora.

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Without restricting the scope of this rule, the following shall be considered breaches of the Code of Ethics:

- i) To express publicly the Member of Council's personal views on matters of political controversy or on municipal policy or administration where to do so would impair the public's confidence in that Member of Council's ability to perform his/her official duties with integrity and impartiality, or impair the ability of City Council or Administration to carry out its or their functions.
- ii) Relations with the media shall be conducted as such that only factual and objective information related to policies adopted by Council shall be transmitted.

### **Procedures**

- 3.01 Municipal Council Members are encouraged to seek clarification from Council if they are uncertain as to the appropriateness of their existing or contemplated conduct.
- 3.02 Complaints or inquiries concerning the ethical conduct of any municipal Councillor shall be made in writing to Council.
- 3.03 All complaints or inquiries will be treated as confidential.
- 3.04 A copy or summary of any written or oral complaint received is to be sent immediately to the Councillor complained against with a request to provide a written answer to the complaint.
- 3.05 Council shall investigate:
  - a) All complaints or inquiries concerning the ethical conduct of a Member of Council;
  - b) On their own initiative, the conduct of a Member of Council where determined an investigation is warranted.

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- 3.06 The Member of Council against whom the complaint is directed or who is inquiring as to the appropriateness of his/her conduct shall have the opportunity to appear before City Council at an in camera or public meeting at the discretion of the Member of Council and/or submit a written brief prior to any decision being made.
- 3.07 Where City Council determines the conduct referred to it does breach the Code of Ethics, the complainant shall be so advised in writing.
- 3.08 Where City Council determines the conduct referred to it does breach the Code of Ethics, City Council may:
- a) Instruct the Member of Council to divest himself/herself of the outside interest or transfer it to a trust.
  - b) Take disciplinary action in the form of:
    - i) Public statement outlining Council's position.
  - c) Take any other action Council deems appropriate.
    - ii) Removal of appointments to standing committees.