



COUNCIL POLICY MANUAL

Subject: Code of Conduct for Members of Council, Local Boards and Committees	Approval Date: November 17, 2012	By-Law No. 1716-12 <i>Amended by By-Law No. 02-2018</i> <i>Amended by By-Law No. 15-2020</i>
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1.20 PURPOSE

The Municipality of Red Lake, hereinafter referred to as the “Municipality”, is committed to achieving the highest quality of municipal administration and governance by encouraging high standards of conduct as part of all Elected Officials and Members of its Local Boards and Committees. A Code of Conduct aims to ensure public trust and confidence in the Municipality’s decision-making and operations. The public should expect the highest standards of conduct from the Members they elect to local government, as well as Members serving on Local Boards and Committees. In turn, adherence to these standards will protect and maintain the Municipality’s reputation and the integrity of its decision-making process.

1. LEGISLATIVE AUTHORITY

As of March 1, 2019, Section 223.2 (1) of the *Municipal Act, 2001, S.O. 2001, c. 25, as amended*, provides that a municipality shall establish Codes of Conduct for Members of Council of the municipality and its Local Boards.

O.Reg.55/18 of the *Municipal Act, 2001, S.O. 2001, c. 25, as amended*, prescribes the subject matters that a municipality is required to include in the Codes of Conduct for Members of Council of the Municipality and its Local Boards, which includes:

1. Gifts, Benefits and Hospitality;
2. Respectful conduct, including conduct toward officers and employees of the Municipality or Local Board, as the case may be;
3. Confidential Information; and
4. Use of Property of the Municipality or Local Board, as the case may be.

2. STATUTORY PROVISIONS REGARDING CONDUCT

In addition to the Code of Conduct for Members of Council, Local Boards and Committees, Members are required to comply with existing Provincial and Federal legislation, including, but not limited to:

- a) *Municipal Act*;
- b) *Municipal Conflict of Interest Act*;
- c) *Municipal Elections Act*;
- d) *Municipal Freedom of Information and Protection to Privacy Act*;
- e) *Provincial Offences Act*;
- f) *Ontario Human Rights Code*;



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- g) *Ontario Occupational Health and Safety Act; and*
- h) *Criminal Code of Canada.*

3. APPLICATION

This Code of Conduct applies to all Members of Council, Local Boards and Committees of the Municipality.

The following Local Boards are not subject to this Code of Conduct:

- Library Board; and
- Police Services Board.

4. DEFINITIONS

- a) “Chief Administrative Officer” means the Chief Administrative Officer (CAO) of The Corporation of the Municipality of Red Lake or designate in the absence of the CAO.
- b) “Child” includes a child born within or outside of marriage, and includes an adopted child and a person to whom the Member has demonstrated a settled intention to treat as a child of his or her family.
- c) “Clerk” means the Clerk of The Corporation of the Municipality of Red Lake or designate in the absence of the Clerk.
- d) “Closed Meeting” means a meeting, or part of a meeting, this is closed to the public to consider matters authorized under the *Municipal Act, 2001* or other enabling Statute.
- e) “Confidential Information” includes information in the possession of, or received in confidence by the Municipality, that the Municipality is prohibited from disclosing, that the Municipality is required to refuse to disclose, or that the Municipality chooses not to disclose, under the *Municipal Freedom of Information and Protection to Privacy Act* or other legislation or policy of the Municipality. Without limiting the generality of the foregoing, Confidential Information also includes all information concerning matters dealt with at Closed Meetings, information that is marked as “Confidential”, information obtained by a Member by virtue of their position as a Member that is not in the public domain, or information that is otherwise determined to be confidential by the Chief Administrative Officer, Clerk or as specifically declared by Council.



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- f) “Council” means the Council of The Corporation of the Municipality of Red Lake.
- g) “Ethically” means behaving in a manner characterized by honesty, fairness and equality in interpersonal relationships and with respect for the dignity and rights of other people.
- h) “Family Member” includes:
 - i) a Spouse of the Member;
 - ii) a Child of the Member;
 - iii) a Parent of the Member;
 - iv) a Sibling of the Member, whether by birth, marriage or adoption;
 - v) a Grandchild, Grandparent, Aunt, Uncle, Niece or Nephew of the Member;
 - vi) a Parent-in-Law of the Member; and
 - vii) any person who lives with the Member on a permanent basis.
- i) “Gift” means any cash or monetary equivalent, fee, object of value, service, personal benefit, travel and accommodation or entertainment. A gift does not include remuneration.
- j) “Harassment” shall include, but is not limited to, engaging in a course of vexatious or unwanted comment or conduct that is known or ought reasonably to be known to be unwanted and includes Sexual Harassment as defined in the *Occupational Health and Safety Act*.
- k) “Integrity Commissioner” means the Person appointed by by-law in accordance with Section 223.3 of the *Municipal Act, 2001* and who is responsible for performing, in an independent manner, the functions assigned by the Municipality with respect to the application of the Code of Conduct for Members.
- l) “Member” shall include a Member of Council, Local Board and Committee of the Municipality, except those listed in Section 3 of this policy.
- m) “Municipality” means The Corporation of the Municipality of Red Lake.
- n) “Parent” includes those persons who demonstrated a settled intention to treat a Child the Member, whether or not the Member is their natural child.
- o) “Pecuniary Interest” means an interest that a person has in a matter because of reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated, in accordance to the *Municipal Conflict of Interest Act*.



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- p) “Spouse” means a person to whom the Member is married or with whom the Member is living in a conjugal relationship outside of marriage.
- q) “Staff” includes all union and non-union employees of the Municipality of Red Lake and volunteers.

5. GIFTS, BENEFITS AND HOSPITALITY

The objective of this section is to ensure that Members make decisions based on impartial and objective assessments of each situation, free from influence of gifts, benefits and hospitality.

- 5.1 Members are prohibited from accepting, directly or indirectly, from any person, company, firm or corporation, Gifts, Benefits or Hospitality if it can be inferred that the Gift, Benefit or Hospitality was intended to influence the Member in the performance of their duties or that the Gift, Benefit or Hospitality was intended as a reward for any official action on the Member’s part.
- 5.2 Members are prohibited from accepting Gifts, Benefits and Hospitality provided to a Member’s Spouse, Child or Parent that is connected directly or indirectly to the performance of the Member’s duties.
- 5.3 Notwithstanding Clause 5.1 & 5.2, each of the following are recognized as an **exception**:
 - a) compensation authorized by by-law;
 - b) Gifts, Benefits or Hospitality that normally accompany the responsibilities in performance of duties and are received as an incident of protocol or social responsibility;
 - c) a political contribution otherwise reported by law (ie, in the case of a Member running for elected office);
 - d) services provided without compensation by persons volunteering their time for a charitable or non-profit event or for the Member’s re-election campaign;
 - e) any stipend paid to a Member that is intended to fully remunerate the Members for service to the Municipality.
 - f) food, lodging, transportation and entertainment provided by Provincial, regional and local governments or agencies or subdivisions of them by the Federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity as a representative of the Municipality.



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- g) entrance fees or food and beverages consumed at banquets, receptions or similar events, if:
 - (i) attendance serves the legitimate business purpose related to the normal business of the Municipality;
 - (ii) the person extending the invitation or a representative of the organization is in attendance, and
 - (iii) the value is reasonable and the invitations are infrequent.
- h) benefits received as a door prize, raffle or similar draw at an event, conference or seminar attended by a Member.
- i) any gift, benefit or hospitality, if the Integrity Commissioner is of the opinion, before the gift, benefit or hospitality has been accepted, that it is unlikely that receipt of the gift, benefit or hospitality gives rise to reasonable presumption that the gift, benefit or hospitality was given in order to influence the Member in the performance of his or her duties.

5.4 This section does not preclude a Member from soliciting funds or donations in support of a charitable or philanthropic cause, organization, or charity, provided that all funds or donations are provided directly by the donor(s) to the recipient organization or charity.

6. GENERAL CONDUCT

- 6.1 Every Member has the duty and responsibility to treat Members of the public, Staff and each other in a respectful manner, without abuse, bullying, harassment or intimidation.
- 6.2 A Member shall not use indecent, abusive or insulting words or expressions toward any other Member, any Member of Staff, or any Member of the public. A Member shall not speak in a manner that is discriminatory to any individual based on that person's race, ancestry, place of origin, creed, gender, sexual orientation, age, colour, marital status or disability. For greater clarity, please refer to the *Ontario Human Rights Code*.
- 6.3 Every Member shall abide by the following principles:
 - a) Members shall at all times act ethically;
 - b) Members shall perform their functions with integrity, accountability and transparency;



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- c) Members shall comply with all applicable legislation, municipal by-laws and policies, including this Code of Conduct;
- d) Members acknowledge that the public has the right to open government and transparent decision-making;
- e) Members shall at all times serve the interests of their constituents and the Municipality in a conscientious and diligent manner and shall approach decision-making with an open mind; and
- f) Members shall not extend preferential treatment to any individual or organization.

7. CONDUCT AT MEETINGS

7.1 Every Member shall conduct themselves with decorum and professionalism at all Council, Committee of the Whole, Local Board and Committee meetings in accordance with the provisions of the applicable Procedure By-Law, this Code of Conduct and applicable law. For greater clarity, Members should review the Municipality of Red Lake's "*Procedural By-Law*".

8. CONFIDENTIALITY

8.1 Every Member must hold in strict confidence all Confidential Information acquired as a direct or indirect result of the Member's role with the Municipality. Confidential Information shall not be disclosed except when required by law, or when authorized by Council or the Chief Administrative Officer.

8.2 Every Member shall keep confidential any information:

- a) disclosed or discussed at a meeting of Council, Committee of the Whole, Local Board or Committee meeting or part thereof, that was closed to the public;
- b) that is circulated to Members that is marked as confidential. Any documentation marked as confidential shall be kept securely until no longer required in the course of business and shall at that time be returned to the Clerk, or in the case of a Local Board or Committee, the Resource Person or Recording Secretary for destruction.
- c) that is received in confidence verbally in preparation of a Closed Meeting.

8.3 The obligation to keep information confidential applies even if a Member ceases to be a Member for any reason.



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9. USE OF CORPORATE RESOURCES - GENERAL

9.1 No Member shall use or permit the use of Municipal property including land, facilities, equipment, supplies, services, Staff or other resources (for example, without limitation, municipally-owned materials, computers, networks, websites, vehicles) for activities other than the business of the Municipality.

10. USE OF CORPORATE RESOURCES - ELECTION PURPOSES

10.1 The *Municipal Elections Act* establishes rules relating to the use of corporate resources for election purposes. For greater clarity, Members should review the *Municipal Elections Act* and the Municipality of Red Lake “*Use of Corporate Resources for Election Purposes*” policy.

11. CONFLICT OF INTEREST

11.1 Members must be familiar with and comply with the *Municipal Conflict of Interest Act*. It is the responsibility of each Member, not Staff, to determine whether they have a direct or indirect Pecuniary Interest with respect to matters arising before Council, a Local Board or Committee. Each Member shall determine whether he or she has a direct or indirect Pecuniary Interest and shall at all times comply with the *Municipal Conflict of Interest Act*.

11.2 For the purposes of this Code of Conduct, a Pecuniary Interest, direct or indirect, of a Family Member of the Member shall be deemed also to be the personal/Pecuniary Interest of the Member. All Members shall declare a conflict of interest where they or their Family Member has a Pecuniary Interest in a matter and shall take all of the actions prescribed in the *Municipal Conflict of Interest Act* as if the *Municipal Conflict of Interest Act* applied to that interest.

11.3 In addition to Pecuniary Interests, Members must perform their duties impartially, such that an objective, reasonable observer would conclude that the Member is exercising their duties objectively and without undue influence. Each Member shall govern their actions using the following as a guide:

- a) in making decisions, always place the interests of the taxpayers and the Municipality of Red Lake first, and, in particular, place those interests before your personal interests and the interests of Members, Staff, friends, business colleagues or Family Members;
- b) interpret the phrase “conflict of interest” broadly and with the objective of making decisions impartially and objectively;



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- c) if there is doubt about whether a conflict of interest exists, declare a conflict or seek the advice of the Integrity Commissioner;
- d) do not make decisions that create an obligation to any other person who will benefit from the decision;
- e) do not make decisions or attempt to influence any other person for the purpose of benefitting yourself, other Members, Staff, friends, business colleagues or Family Members, or any organization that might indirectly benefit such individuals;
- f) do not put yourself in the position where a decision would give preferential treatment to other Members, Staff, friends, business colleagues or Family Members, or any organization that might indirectly benefit such individuals; and
- g) do not promise or hold out the prospect of future advantage through your influence in return for a direct or indirect personal interest.

11.4 Direct or indirect personal interests **DO NOT** include:

- a) a benefit that is of general application across the Municipality;
- b) a benefit that affects a Member or his or her Family Members, friends or business colleagues as one of a broad class of persons; or
- c) the remuneration of Council or a Member, or benefits available to Council or Members.

11.5 Every Member has the following obligations:

- a) to make reasonable inquiries when there is reason to believe that a conflict of interest may exist;
- b) to make Council or the Local Board or Committee aware of the potential conflict of interest and where appropriate, declare the interest;
- c) to refuse to participate in the discussion of Council, the Local Board or Committee and to not vote on the matter or seek to influence the vote of any other Member where a conflict of interest exists;
- d) to refuse to be involved in any way in the matter once the conflict is identified, including, without limitation, participating in meetings, facilitating meetings or introductions to Staff or Members providing advise to any person that would materially advance the matter; and
- e) if the matter which creates the conflict of interest is discussed in Closed Session, the Member may not attend that portion of the Closed Session where that matter is discussed.



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- 11.6 Members shall not act as a paid Agent before Council, its Local Boards or Committees.
- 11.7 For greater clarity, Members should review the *Municipal Conflict of Interest Act* and the Municipality of Red Lake's "*Procedural By-Law*".

12. ADVICE AND OPINIONS

- 12.1 Members may request advice or opinions from the Integrity Commissioner with respect to:
 - a) obligations of the Member under the *Municipal Conflict of Interest Act*;
 - b) the obligations of the Member under this Code; and
 - c) the obligations of the Member under a procedure, rule or policy of the Municipality governing the ethical behaviour of the Member.
- 12.2 Every request for advice or opinion shall be submitted in **writing** to the Integrity Commissioner for a response.
- 12.3 The Integrity Commissioner shall not provide to any Member any advice or opinion in respect to the obligations of another Member.
- 12.4 The advice or opinions received by any Member are personal to the Member and are considered confidential. No opinion or advice may be shared by the Integrity Commissioner without the written permission of the Member who requested the opinion or advice. The Member may grant permission to share part of an opinion or advice, but in circumstances where the Member shares only a portion of an opinion or advice, the Integrity Commissioner may release all or part of the opinion or advice without the consent of the Member.

13. INFORMAL COMPLAINT PROCEDURE

- 13.1 Informal complaints can be addressed by any person who believes that the activity of a Member has breached this Code of Conduct or the *Municipal Conflict of Interest Act*, but the person does not want to initiate a formal complaint. Any person may:
 - a) advise the Member that his or her behaviour or activity appears to constitute a contravention;



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- b) encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and avoid future occurrences of the prohibited behaviour or activity;
- c) where a Member agrees to cease the behaviour, confirm in writing that the agreement is satisfactory;
- d) where the Member's response is not satisfactory, advise the Member of your dissatisfaction with the response; and
- e) consider the need to pursue the matter in accordance with the Formal Complaint Procedure as outlined in the "*Integrity Commissioner Complaint Protocol*" policy.

14. FORMAL COMPLAINT PROCEDURE

14.1 Please refer to the "*Integrity Commissioner Complaint Protocol*" policy.

