

# The Corporation of the Municipality of Brighton

## By-Law No. 019-2016

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### Being a by-law to establish a Code of Conduct for members of Council of the Corporation of the Municipality of Brighton

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**Whereas**, Section 11 of the Municipal Act 2001, 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 2001, 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 223.2(5) of the Municipal Act 2001, 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 Municipality of Brighton deems it expedient to establish a Code of Conduct for Council;

**Now, therefore**, the Council of the Corporation of the Municipality of Brighton **enacts as follows**:

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

Read a first and second time and read a third time and finally passed this 21<sup>st</sup> day of March, 2016.

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Mark A. Walas, Mayor

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Vicki Kimmett, Deputy Clerk

## **Appendix A**

### **Policy**

This policy outlines a written Code of Conduct which helps to ensure that the Members of Council share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the Members must operate. These standards should serve to enhance public confidence that the Municipality of Brighton's elected representatives operate from a base of integrity, justice and courtesy.

The Municipality of Brighton Code of Conduct is a general standard that augments the provincial laws and municipal by-laws that govern its conduct. It is not intended to replace a Members' personal ethics.

#### **General**

All Members shall serve their constituents in a conscientious and diligent manner. No member shall use the influence of office for any purpose other than the exercise of his or her official duties.

#### **Gifts and Benefits**

Members should not, directly or indirectly, solicit any gift or accept/receive any gift, whether it be money, services, loan, travel entertainment, hospitality, promise, or any other gift/benefit if, (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. In minor situations, such as meal checks for example, some modest maximum dollar value should be determined by the member as a guideline. The guideline is not intended to isolate Members from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions or conventional hospitality.

This section does not apply to tokens, mementoes, souvenirs, or such gifts or benefits up to and including an annual value of \$500.00 that are received as an incident of protocol or social obligation that normally accompanies the responsibilities of office. Tokens, mementoes, souvenirs of gifts with a value of greater than \$500.00 shall be the property of the municipality and should be reported and turned over to the C.A.O.

#### **Confidentiality of Municipal Information**

It is every Council Member's responsibility to ensure that all information collected, produced or obtained in the course of his/her duties, whether in reports, memos, oral communication or electronic format, is as accurate as possible. No Council Member shall willfully mislead other Council Members, employees or the public about any issue of municipal concern.

It is the responsibility of each member of Council to ensure that confidential information, provided through Administration, other Council Members, solicitors, employees, the public or through any other party, is kept strictly confidential and not released without the approval of Council. Only with Council authority will Council Members give or release to anyone, confidential information acquired in the course of that Council Member's duties with the Municipality.

The following information must not be used or disclosed, except in accordance with the Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA"):

- Information which is personal;
- Information that constitutes the proprietary information of a third party, individual or group;
- Might reasonably be regarded as having been disclosed to the employee in confidence;

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- Is of sensitive nature, or
- Imparts to the person in possession of such information an advantage not available to the public generally.

Council Members should consult with the Clerk if clarification is required.

Information acquired through the Council Member's position with the Municipality may not be used or disclosed in any personal external activity.

No Council Member shall benefit, either directly or indirectly, from the use of information acquired during the course of official duties, which is not generally available to the public.

### **Use of Municipal Property**

Where a member makes use of any Municipality of Brighton property, equipment, supplies, or services of consequence, other than for purposes connected with the discharge of Council duties, it is incumbent upon the member to make restitution for any additional expenses which are incurred by the Municipality for use of said equipment, supplies or services.

No member shall obtain financial gain from the use of Municipal developed intellectual property, computer programs, computer hardware, technological innovations, or other patent, trademark, copyright held by the Municipality of Brighton, while an elected official, or thereafter. Such property remains the exclusive property of the Municipality of Brighton.

No member shall use information gained in the execution of his or her duties which is not available to the general public, or any purposes other than his or her official duties.

### **Work of a Political Nature**

No member shall use Municipal facilities, services or property for his or her re-election campaign. No member shall use the services of municipal employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the Municipality.

### **Conduct at Council**

During Council meetings, Members shall conduct themselves with decorum in accordance with the Municipality of Brighton's Procedural Bylaw. Respect for deputations and for fellow Members and staff requires that all Members show courtesy and not distract from the business of the Council during presentations and when other Members have the floor.

### **Conduct Respecting Staff**

Only Council as a whole has the authority to approve budget, policy, processes and other such matters. Accordingly, Members shall direct requests outside of Council-approved budget, process or policy to Council as a whole.

Staff serves Council as a whole and the combined interests of all Members as evidenced through the decision of Council. Members shall be respectful of the role of staff to advise based on their professional expertise, political neutrality and objectivity and without undue influence from any individual Member or faction of Council. Accordingly, no Member shall maliciously or falsely injure the professional or ethical reputation of staff.

No Member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any Member use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

**Business Relations**

No member shall act as a paid agent before Council except in the terms of the Municipal Conflict of Interest Act. A Member shall not refer a third party to a person, partnership or the corporation in exchange for payment or other personal benefit.

**Discreditable Conduct**

Harassment of another Member, staff or any member of the public is misconduct. It is the policy of the Municipality of Brighton that all persons be treated fairly in the workplace, in an environment free of discrimination and of personal and sexual harassment.

Harassment may be defined as any behaviour, by any person that is directed at, or is offensive to, another person, on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status and any other ground under the provisions of the Ontario Human Rights Code.

**Failure to Adhere to Council Policies and Procedures**

A number of the provisions of this Code of Conduct incorporate policies and procedures adopted by Council. More generally, Members of Council are required to observe the terms of all policies and procedures established by Council.

This provision does not prevent a member of Council from requesting that Council grant an exemption from a policy.

**Reprisals and Obstruction**

Members of Council should respect the integrity of the Code of Conduct and investigations conducted under it. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commissioner is therefore prohibited. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner in the carrying out of her or his responsibilities, as, for example, by the destruction of documents or the erasing of electronic communications.

**Integrity Commissioner**

In accordance with the Municipal Statute Law Amendment Act, 2006, the Municipality has the authority to appoint an Integrity Commissioner to perform related to:

- Application of the Code of Conduct and other procedures, rules and policies governing ethical behaviour for Members of Council;
- Penalties that may be imposed by the Municipality where the Integrity Commission reports that a Member of Council has contravened the Code of Conduct include:
  - o Reprimand
  - o A request for an apology to Council, the complainant, or both
  - o Repayment or reimbursement of any moneys received
  - o Suspension of pay.