

## POLICY 5 CODE OF CONDUCT

(Date of approval, 2024\_)

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Council's Code of Conduct outlines the expected and prohibited conduct of its Council, committees and boards.

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## PROCEDURES

### 5.1 ATTESTATION

Upon assuming office, a Member shall sign the "Declaration of Office" form ([Form 5.1](#))

### 5.2 UNDUE USE OF INFLUENCE

No Member shall use their status as a Member of Council to improperly influence the actions or decisions of staff or others to the private advantage of the Member or family, friends or associates. (Guideline 5.2)

### 5.3 CONFLICT OF INTEREST

#### 5.3.1 ACTUAL OR PERCEIVED

A conflict of interest will occur when it actually, or appears to take place.

When a conflict of interest is perceived to occur, Members must address the matter as soon as is reasonably possible.

#### 5.3.2 DECLARATION

When a Member, present at a Council or Committee meeting, is or can be perceived to be in a conflict of interest in relation to a matter being addressed at said meeting, the Member shall orally declare the conflict of interest.

A member who declares or who is deemed to be in a conflict of interest shall:

- Leave the meeting place for the duration of discussion and decision on the matter at hand
- If the Chair, be replaced by Vice Chair for the duration

A Member who did not declare their conflict of interest during a meeting shall, within 48 hours file a Disclosure of Conflict of Interest Declaration [Form 5.3.2](#) with the Clerk who shall:

- Within 72 business hours of the declaration, include the Declaration of Interest Form in the Municipal Registry for publication on the Municipal Website, and
- Schedule the affected motion for reconsideration at the next available meeting

Refer to Guideline 5.3.2

#### 5.3.3 TYPES OF CONFLICT OF INTEREST

##### Financial Gain

A Member is in a conflict of Interest when the Member:

- Directly or indirectly influences a decision that will benefit a person who is not in an arms-length relationship
- Obtains personal financial gain from their position as a Member
- Refers a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

## Gifts

No member shall accept a gift or personal benefit that is connected directly or indirectly with the performance of their duties.

## Nepotism

While the workforce in Mattawa is limited by various circumstances, municipal employees can be related to a person who is not in an arms-length. Nonetheless, Members shall not, directly or indirectly exercise their influence to benefit these persons:

- In the hiring of employees where the competitive selection of employees must be based on merit.
- In the supervision, recognition or discipline of employees when supervisors are acting on the authority of their position.

See guideline 5.3.3

## Business Relations

No Member shall act as a paid agent before Council, its committees, or an agency, board or commission of the municipality unless so permitted by the Municipal Conflict of Interest Act: <https://www.ontario.ca/laws/statute/90m50>

## 5.4 POSITION OF TRUST

Members shall, at all times and to the best of their ability, honour the position of trust they occupy as representatives of Mattawa electors by abiding by Councils Vision, Mission, Values and policies and procedures.

## 5.5 CONDUCTING COUNCIL BUSINESS

All Members shall abide by Council's Policies and Procedures

## 5.6 CONFIDENTIALITY

Unless required by law or authorized by Council, no Member shall:

- Disclose by any means to any member of the public, any confidential information acquired by virtue of their office
- Use confidential information for personal gain, or for the gain of relatives, any person or corporation, or
- Disclose the content of a matter, or the substance of deliberations during an in-camera meeting.

## 5.7 USE OF MUNICIPAL PROPERTY

No Member shall use, or permit the use of municipal land, facilities, equipment, supplies, services, staff or other resources for activities other than the business of the municipality.

## 5.8 POLITICAL ACTIVITY

Members shall not use municipal resources for any type of political activity including promoting or opposing the candidacy of any person to elected office in any municipal, provincial and federal campaign.

## 5.9 RESPECT

Members shall:

- Conduct themselves with decorum at meetings.
- Not harass, bully or discriminate against any other Member, any staff, or any member of the public.
- At all times demonstrate their respect for:
  - The residents of Mattawa
  - Their colleagues on Council, and
  - Employees by:
    - Not falsely or maliciously injuring the professional reputation of staff
    - Restricting their expression of a concern about personnel matters to the Mayor and/or CAO or with Council.

#### 5.10 OFFICIAL COMMUNICATION

Unless approved by the head of Council or a motion granted by a simple majority, the Head of Council is the only Member who is authorised to communicate officially on behalf of Council to the public, Ontario and other municipalities.

While the CAO is authorised to speak on behalf of the municipality on matters of services and operations, the CAO cannot speak on behalf of Council unless authorised to do so.

#### 5.11 DUE DILIGENCE

Members shall make every effort to participate diligently in the activities of Council, its agencies, committees and local boards to which they are appointed.

#### 5.12 ATTENDANCE

Attendance at Council meetings by electronic means is equivalent to in-person attendance. Members of Council shall not be absent from meetings of Council for three consecutive months without being authorised to do so by a resolution of Council.

#### 5.13 INTEGRITY COMMISSIONER

Council shall appoint an Integrity Commissioner to provide some or all of the following services:

- a) Education and training;
- b) Investigation of a complaint, including a decision not to investigate and a summary dismissal of a complaint;
- c) Investigation reports and recommendations, including periodic, interim or final reports and annual reports;
- d) Information to the public regarding the Code of Conduct and the obligations of Members under the Code of Conduct and other ethical guidelines or policies; and
- e) Proactive guidance upon request from Council or a Member.

Any person who files a complaint to the Integrity Commissioner shall submit a “Code of Conduct Complaint [Form 5.12](#) to the Integrity Commissioner.

## GUIDELINES

### 5.2

A person who is not in an arms-length relationship is not excluded from employment with the municipality as long as due process for the hiring and supervision of employees is based on merit and factors benefiting the municipality.

Code of Conduct posted on the Mattawa Website:

<https://mattawa.ca/wp-content/uploads/2019/03/Code-of-Conduct-Policy-for-Members-of-Council-and-Local-Boards.pdf>

### 5.3.2

If a Member does not declare a conflict of interest when it appears the Member should have so declared, the matter can be referred by anyone to the Integrity Commissioner for investigation.

### 5.3.3

Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50

<https://www.ontario.ca/laws/statute/90m50#BK2>