

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: GENERAL GOVERNMENT SERVICES

CHAIRPERSON: COUNCILLOR L. MICK

DEPT. HEAD: WAYNE P. BELTER

TITLE: NEW PROCEDURE BY-LAW

11-08 Draft By-Law _____ Item _____ Policy Recommendation

Mayor D. Backer and Members of Council:

As a result of the Ombudsman's report a revised/new Procedure By-law was developed incorporating the requirements of the Municipal Act, took into consideration the recommendations of the Ombudsman, and reflected on the history and practice of Mattawa's Municipal Council.

The draft Procedure policy was circulated to Council for comment in the report section of the February 28, 2011 agenda and further discussed by Council at the March 8, 2011 Committee of the Whole meeting.

The final version of the By-law is now presented for Council consideration and approval. If adopted, the new procedural By-law will be implemented.

Recommendation:

That the Town of Mattawa adopt By-Law 11-08 which is a new Procedural By-law as per the Municipal Act and Ombudsman's report.

Respectfully submitted

Councillor L. Mick



Procedure By-law

11-08

March 14, 2011

THE CORPORATION OF THE MUNICIPALITY OF MATTAWA

BY-LAW 11-08

Being a By-law to govern the proceedings of Council, Boards and Committees, the conduct of its members and the calling of meetings.

WHEREAS, pursuant to Section 238 of the Municipal Act, S.O. 2001, c.25, as amended, every Council and local board shall adopt a procedural By-law to govern the calling, place and proceedings of meetings;

NOW THEREFORE the Council of The Corporation of the Town of Mattawa hereby enacts as follows:

DEFINITIONS:

1. In this By-law –

- a) “Agenda of Council” means a list of all items to be considered by the Council at the meeting for which the agenda was published;
- b) “Clerk” means the Clerk of The Corporation of the Town of Mattawa;
- c) “Committee” means any advisory or other committee appointed by Council including an Ad Hoc Committee or Committee of Council;
- d) “Committee of the Whole” means all members present at a meeting in Committee but not a Standing Committee as outlined in By-law 95-20 and acting within the rules set out in this By-law;
- e) “Council” means the Municipal Council of The Corporation of the Town of Mattawa;
- f) “Council Chambers” means the Municipal Office at 160 Water Street;
- g) “Deputy Mayor” means a member appointed by the Council to act in place of the Mayor;
- h) “Local Board” means a Board other than a Police Services Board or Library Board;
- i) “Mayor” means the Head of Council of The Corporation of the Town of Mattawa;
- j) “Meeting” means any Regular, Committee of the Whole, special or other meeting of Council;
- k) “Member” means a member of Council and includes the Head of Council;

- l) "Municipality" means The Corporation of the Town of Mattawa;
 - m) "Quorum" means having a minimum of 4 members of Council present unless Disclosure of Pecuniary Interest reduces the voting members to less than 4 but must be at least 2;
2. The rules and regulations contained in this By-law shall be observed in all proceedings of the Council.

COUNCIL AND COMMITTEE OF THE WHOLE MEETINGS

3. Meetings that fall on an observed Public Holiday shall be held on the next business day provided that appropriate notice is given to the public as per the Notice provisions.
4. Regular Meetings of Council shall be held in the Council Chambers on the second and fourth Mondays of each month at 7:00 p.m. when required and as required and notification per the Notice Provisions.
5. Committee of the Whole meetings shall be held in the Council Chambers at 7:00 p.m.
6. The inaugural Meeting of Council after a regular election shall be held on the second Monday in December at 6:00 p.m. in the Council Chambers.
7. Council may, by resolution, alter the date and/or time and/or location of a regular meeting provided that adequate notice of the change is posted and published in accordance with the Notice Provisions.
8. The Mayor may, at any time:
 - a) Summon a special meeting;
 - b) Direct the Clerk to summon a special meeting upon receipt of a written or oral petition of the majority of the Council members for the purpose and at the time and date mentioned in the petition.
9.
 - a) In either case of (a) or (b) in Clause 8, the special meeting shall be held not sooner than 24 hours following the Mayor's summons or receipt of the petition, as the case may be. Notice of special meetings shall be given by the Clerk to each member by electronic message or by written notice.
 - b) Notwithstanding the notice requirement set out above, in the event of a bona fide emergency the meeting may be held as soon as practicable following receipt of the summons or petition, as the case may be, and notice may be given by telephone or personal contact as determined by the Clerk.

- c) Unless otherwise specified in the notice described in Paragraph 9 (b) above, a special meeting shall be held in the Council Chamber.
- d) The notice of a special meeting shall specify the purpose for the meeting.

10.

- a) The Mayor shall preside at all meetings of Council;
- b) When the Mayor is absent or refuses to act, or the office is vacant, Council will appoint one of Council by Resolution to Chair the meeting and such Councillor may exercise all the rights, powers and authority of the Mayor;
- c) The Mayor or presiding officer may expel from a meeting anyone who engages in improper conduct;

11.

- a) All Regular and Committee of the Whole Meetings of Council shall be open to the public.
- b) Notwithstanding Subsection 11(a) above, a Regular or Committee of the Whole meeting may be closed to the public if the subject matter is held in compliance with the provisions of the Municipal Act as follows:
 - i) security of the property of the municipality or local board;
 - ii) personal matters about an identifiable individual, including municipal or local board employees;
 - iii) a proposed or pending acquisition or disposition of land for municipal or local board purposes;
 - iv) labour relations or employee negotiations;
 - v) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local boards;
 - vi) the receiving of advice that is subject to solicitor/client privilege, including communications necessary for that purpose;
 - vii) a matter in respect of which a council, board, committee or other body has authorized a meeting to be closed under another Act;
 - viii) the subject relates to the consideration of a request under the *Municipal Freedom of Information and Protection to Privacy Act*;
 - ix) educational or training sessions pursuant to Section 239 of the *Municipal Act*, 2001, (S.O 2001, c.25)
- c) Before all or part of a meeting is closed to the public, the Council shall state by resolution:
 - i) the fact of the holding of the closed meeting;
 - ii) the general nature of the matter considered at the closed meeting;

- iii) only those matters relating to the nature of the matter being considered may be discussed in the closed session.
- d) Subject to subsection 11(e) a meeting shall not be closed to the public during the taking of a vote.
- e) Despite subsection 11(d), a meeting may be closed to the public during a vote if:
 - i) Subsection 11(b) permits or requires a meeting to be closed to the public and, the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality or persons retained by or under contract with the Municipality;
 - ii) At the commencement of the closed session, the agenda will be struck. No other business will be considered.
- f) Meetings or sessions which are closed to the public may be referred to as "In Camera (closed) Sessions".
- g) All resolutions, decisions and other proceedings at a meeting shall be recorded without note or comment, whether the meeting is open or closed.
- h) When the meeting reconvenes in public the Mayor or Presiding officer will provide a verbal summary of the general content of the closed meeting.

CODE OF CONDUCT

12.

- a) All Members of Council in attendance at a closed session held pursuant to this By-law shall make an affirmation of confidentiality at the inaugural meeting of the Council and execute a confidentiality agreement in the form attached as Schedule "A", Page 13 of the By-law.
- b) No member of Council in attendance at a closed session called pursuant to this By-law shall disclose to any person not in attendance at the meeting any of the information provided at such closed session.
- c) All members of Council and its Boards and Committees shall abide by the Code of Conduct as attached as Schedule "B", Page 14 to this By-law.

AGENDAS AND SUPPORTING MATERIAL

13.

- a) The Clerk shall prepare an agenda for Regular and Committee of the Whole meetings as assigned.
- b) The Mayor may review the draft agenda prior to distribution.

- c) Insofar as is practicable, Council agendas, along with supporting material, shall be prepared and made available to members at the close of business on the Friday prior to a Regular or Committee meeting and 24 hours prior to a Committee or Special Council meeting.
- d) Individuals or groups wishing to appear before Council at a Regular Meeting shall advise the Clerk in writing not later than 5:00 p. m. on the Tuesday prior to the meeting and the Clerk may make a determination as to deferral of delegations to a subsequent meeting. Wherever practical, every attempt shall be made to submit, in writing, the nature of the presentation and supporting material.
- e) Written reports from officers shall be made available to the Clerk by close of business on the Wednesday prior to a Regular meeting or 30 hours prior to a Committee or Special Council meeting.
- f) Agendas shall be generally formatted as follows but modifications to the matters to be included or the order of business may be affected without requiring amendment to this By-law.

Regular Meetings

- 1) Call to Order
- 2) Disclosure of Pecuniary Interest and Nature Thereof
- 3) Petitions & Delegations
- 4) Correspondence
- 5) Questions/Comments (public & Council) about the content of the Agenda
- 6) Municipal Report Number _____
 - Minutes of previous meeting(s).
 - Presentation of By-laws/Resolutions
 - Adoption of Report
- 7) Committee Reports
- 8) Questions from the Floor
- 9) New/Old Business
- 10) 2/3 (Special Resolutions – not previously circulated)
- 11) In Camera (Closed) Session
- 12) Return to Regular Session
- 13) Adjournment

Committee of the Whole or Committee (Special, Ad Hoc) Meetings

- 1) Call to Order
- 2) Disclosure of Pecuniary Interest and Nature Thereof
- 3) Committee Reports (per Agenda items)
- 4) In Camera (Closed) Session
- 5) 2/3 (special Resolutions – not previously circulated)

- 6) Return to Regular Session
- 7) Adjournment

- g) The business of the Council or Committee shall be taken up in the order as listed on the agenda unless otherwise decided by the Mayor or presiding officer.

- h) The agenda of Regular, Committee of the Whole and Committee meetings will be posted in the Municipal Office, Library, Post Office and on the Municipal website. The posting will occur the Friday prior to the Regular or Committee meeting and/or a minimum of 24 hours prior to any Special or Committee meeting.

RECORDING EQUIPMENT

14.

- a) At meetings of Council or Committee's, the use of cameras, electric lighting equipment, flash bulbs, recording equipment, television cameras and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by any person other than the recording secretary of the meeting including but not limited to, members, representatives of any news media whatsoever or members of the public is prohibited unless authorized in advance by the Mayor/Council/Committee.

- b) When exercising the discretion to authorize the use of equipment such as described in Subsection 14 a) regard shall be had as to whether the use will be a distraction to the meeting and to whether there is a recording secretary present with the capability of providing a complete record of the meeting.

NO QUORUM

- 15. If no quorum is present fifteen minutes after the appointed start time, the Clerk or recording secretary shall record the names of the members present and the meeting shall stand adjourned until the date of the next scheduled meeting of Council or until otherwise rescheduled.

CURFEW

- 16. Council meetings shall stand adjourned at 10:00 p.m. however, business may be continued upon a resolution passed by majority vote.

DUTIES OF THE MAYOR

- 17. It shall be the duty of the Mayor or other presiding officer:
 - a) to open the meeting by taking the chair and calling the members to order;

 - b) to announce the business before Council in the order in which it is to be acted upon;

- c) to receive and submit, in the proper manner, all resolutions presented by the members;
- d) to put to a vote all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
- e) to decline to put to vote resolutions which infringe upon the rules of procedure;
- f) to enforce on all occasions the observance of order and decorum among the members;
- g) to call by name any member persisting in breach of the rules or order of the Council thereby ordering the member to vacate the Council Chambers;
- h) to authenticate by signature all By-laws, Resolutions and Minutes of the Council;
- i) to inform the Council when necessary or when referred to for the purpose, on a point of order or usage;
- j) to represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
- k) to ensure that the decisions of Council are in conformity with the laws and Bylaws governing the activities of the Municipal Corporation;
- l) to adjourn the meeting without question in the case of grave disorder arising in the Council Chamber;
- m) to order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Council Chamber where such behavior persists.

CONDUCT OF MEMBERS OF COUNCIL

18. No Member shall:

- a) use offensive words or unparliamentary language in or against the Council or against any member, staff or guest;
- b) disturb another member of the Council, staff, or guest, by any disorderly conduct disconcerting to the speaker or the assembly;
- c) speak on any subject other than the subject in debate;
- d) resist the rules of Council or disobey the decisions of the Mayor or presiding officer or of Council on questions of order or practice or upon the interpretation of the rules of Council;

- e) leave a meeting without first obtaining permission from the Mayor or presiding officer;
 - f) be permitted to retake their seat, being ordered to vacate, having committed a breach of any rules of the Council, until the next meeting and without making an apology to Council;
 - f) interrupt the member who has the floor except to raise a point of order.
19. No person shall be allowed to address Council or speak in debate without permission of the Mayor or presiding officer.

MOTIONS/RULES OF DEBATE

20. Subject to Subsection 21 and insofar as is practicable, notice of resolutions, except those listed in Subsections 34 & 35, shall be given in writing to the Clerk not later than 12:00 noon on the Thursday preceding the next Regular meeting so that the matter may be included in the Municipal Report section of the Council agenda package.
21. Any emergency or urgent resolution may be introduced without notice, if Council, without debate, agrees on a majority vote to dispense with notice (which historically is known as a 2/3). Such resolution must have a mover and seconder and be presented to the Clerk prior to the start of the meeting.
22. When a resolution as per Section 21 is presented in Council, in writing, it shall be read by the Mayor or presiding officer.
23. A resolution to amend shall:
- a) be presented in writing;
 - b) be dealt with by Council before a previous amendment or the main resolution;
 - c) not be further amended more than once provided that further amendment may be made to the main resolution;
 - d) be relevant to the main resolution;
 - e) not propose a direct negative to the main resolution.
24. Once read or stated by the Mayor or presiding officer a resolution may not be withdrawn without the consent of the majority of the members.

25. Immediately prior to voting on a resolution, the Mayor or presiding officer shall state the question in the precise form it is to be recorded in the minutes, including any amendments to the question.
26. After a resolution as amended is finally put, no member shall speak to the question nor shall any other resolution be made until after the vote is taken and the result is declared.
27. Members shall not speak more than once to the same question without the consent of the Mayor or presiding officer.
28. On an unrecorded vote, the manner of determining the decision on a resolution shall be at the discretion of the Mayor or presiding officer and may be by voice, show of hands, standing or otherwise.
29. Where a vote is taken for any purpose and a member requests, before or after the vote, that the vote be recorded, each member present, except a member disqualified from voting by any Act, shall, in an order determined by the Mayor or presiding officer, announce their vote openly, and any failure to vote by a qualified member shall be deemed to be a negative vote and the Clerk shall record each vote. The Clerk shall ask the Council members present to respond Yea or Nay to the question.
30. The Mayor or presiding officer, except where disqualified to vote, may vote on all questions.
31. Except where expressly provided in Statute, any question on which there is an equality of votes shall be deemed to be defeated.
32. No vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.
33.
 - a) Unless otherwise authorized by the Mayor or presiding officer, all members, staff and guests shall address Council through the Chair and only when recognized to do so.
 - b) When two or more members seek to address Council, the Mayor or presiding officer shall designate the member who may speak first.
34. Any member may require the question or resolution under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.
35. The following matters and resolutions may be introduced orally without written notice and without leave except as otherwise provided by these rules:
 - a) a point of order or personal privilege;

- b) presentation of petitions;
 - c) to postpone indefinitely or to a specific day;
 - d) to move the previous question (immediate vote on the main resolution).
36. The following resolutions may be introduced without notice and without leave but such resolutions shall be in writing and signed:
- a) to refer;
 - b) to adjourn;
 - c) to amend;
 - d) to suspend the rules of procedure.
37. Except as provided in Subsection 36 all resolutions shall be in writing and signed by the mover and seconder.
38. The Clerk and other officers may introduce matters to be dealt with by resolution so long as appropriate notice is given and the matter appears on the Agenda.
39. Council may, from time to time, employ a confirming Resolution immediately prior to adjournment for the purpose of validating decisions or direction given which is minor in nature and not set out in a By-law or Resolution.

POINTS OF ORDER AND PRIVILEGE

- 40. The Mayor or presiding officer shall preserve order and decide questions of order.
- 41. The Council, if appealed to, shall decide the question without debate and its decision shall be final.

BY-LAWS

- 42. No By-law shall be presented to Council unless the subject matter has been considered and approved by Council.
- 43. Every By-law shall be introduced upon resolution by a member specifying the title of the By-law.
- 44. Every By-law when introduced shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any Act.

45. Every By-law shall be given three readings prior to passage.
46. The first and second readings of a By-law shall be decided without amendment or debate.
47. By-laws may be given three readings on the same day except when requested otherwise by resolution of the majority of the members present or as otherwise provided in law.
48. By-laws shall be numbered, signed by the Mayor or presiding officer and Clerk and embossed with the seal of the Corporation.
49. Any proposed By-law may be withdrawn/referred to Committee, Department Head or other officer for review and comment, including a solicitor for the Corporation.

RECONSIDERATION

50. There shall be no reconsideration of By-laws or Resolutions unless verbal notice thereof is given at the meeting at which the question was decided.
51. After such notice is given, no action shall be taken by Council on the main resolution until such reconsideration is disposed of.
52. After any question has been decided, any member may, if the required notice has been given, at the first regular meeting held thereafter, move for reconsideration thereof by including the Notice of Reconsideration via the Municipal Clerk into the Municipal Report, followed by the By-law or Resolution.
53. No discussion on the main question shall be allowed unless reconsidered.
54. If a motion for reconsideration is made at the next meeting, the question shall not be reconsidered unless a majority of the whole Council votes therefore and such vote shall be a recorded vote.
55. No question shall be reconsidered more than once nor shall a vote to reconsider be reconsidered.

GENERAL

56. When the Mayor of Council is absent on a temporary basis, under no circumstances shall the Council make a decision regarding capital spending unless provision for the capital spending is included in the estimates for that given year as approved by By-law or unless the expenditure is required as a result of an emergency. The Procurement By-law must be considered by Council.

57. In all matters and under all circumstances the members shall be guided by and shall have regard to the Municipal Conflict of Interest Act, R.S.O. 1990 Chapter M. 50 as amended.
58. Individuals or groups which are listed on an agenda or are otherwise approved to appear before Council shall, subject to Subsection 13 (d), be limited to not more than ten (10) minutes except when a delegation is present they shall be limited to two (2) speakers with the principal speaker limited to not more than five (5) minutes and the second speaker limited to not more than five (5) minutes.
59. Following a regular or new election, the Clerk shall provide each member of Council with a copy of this By-law, including any amendments thereto.
60. Any procedure under this By-law which is discretionary and not mandatory under Statute may be suspended with the consent of a majority of the members present.
61. No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal is given under the Notice procedure and the waiving of notice is prohibited.
62. That By-law No. 84-15, Section 1.01-11(K) is hereby repealed.
63. That this By-law will take effect on the date of passing.

READ, PASSED AND ADOPTED this 14th day of March, 2011.



Mayor



Clerk

SCHEDULE "A" TO BY-LAW 11-08
Affirmation of Confidentiality

I, _____, member of the Council of The Corporation of the Town of Mattawa, do hereby affirm that I will not disclose to any person any information or document arising from confidential Council meetings of The Corporation of the Town of Mattawa that come to my knowledge or possession by reason of those meetings, except as I may be legally required or expressly authorized to do so or except as that information or document has otherwise already been properly made public.

Affirmed before me
At the Corporation of the Town of Mattawa
In the District of Nipissing
This _____ day of _____, 20__

Name: _____

A Commissioner, etc.

Confidentiality Agreement

By signing this document, I agree that:

I will not disclose to any person any information or document communicated to me in a confidential meeting held by the Council of The Corporation of the Town of Mattawa in connection with any matter designated as confidential by the Procedural By-law except as I may be legally required or expressly authorized to do so or except as that information or document has otherwise already been properly made public.

Signed, sealed and delivered at Mattawa, Ontario, this ____ day of _____, 20__.

Witness

Name

SCHEDULE "B" TO BY-LAW 11-08

Code of Conduct for Members of Council of the Corporation of the Town of Mattawa

PURPOSE OF THE CODE OF CONDUCT

The Code of Conduct sets minimum standard for the behaviour of Council members in carrying out their functions. It has been developed to assist Council to:

- 1) Understand the standards of conduct that are expected of them and the law that applies in relation to these standards;
- 2) Fulfill their duty to act honestly and exercise reasonable care and diligence;
- 3) Act in a way that enhances public confidence in local government; and
- 4) Identify and resolve situations which might involve a conflict of interest or a potential misuse of position and authority.

STANDARDS OF CONDUCT

1. Members of Council shall at all times seek to advance the common good of the community which they serve.
2. Members of Council shall truly, faithfully and impartially exercise the office to the best of their knowledge and ability.
3. Members of Council shall refrain from behaviour that could constitute an act of disorder or misbehaviour. Specifically, Members of Council shall refrain from conduct that:
 - a) Contravenes Federal or Provincial statutes or legislation, the Municipal Act, Municipal by-laws, associated regulations, and the Municipality's Code of Conduct.
 - b) Is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others.
 - c) Prejudices the provision of a service or services to the community.

CONDUCT TO BE OBSERVED

1. Release of Confidential Information

- a) Members of Council have a duty to hold in strict confidence all information concerning matters dealt with at closed session meetings or that is determined to be confidential by the Administrator/Clerk/Treasurer or as specifically declared by Council. A Member of Council shall not, either directly or indirectly, release, make public or in any way divulge any such information or any aspect of the closed session deliberations to anyone, unless expressly authorized by Council or required by law to do so.

- b) Members of Council shall not release information in contravention of the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M.56. b.*
- c) Members of Council shall not release information subject to solicitor- client privilege, unless expressly authorized by Council or required by law to do so.
- d) Members of Council shall not misuse confidential information (information that they have knowledge of by virtue of their position as an elected official that is not in the public domain, including e-mails and correspondence from other Members of Council or third parties) such that it may cause detriment to the Corporation, Council or others, or benefit or detriment to themselves or others.
- e) All closed session materials shall be collected at the end of each closed session by the Administrator/Clerk/Treasurer.

2. Foster Respect for the Decision-Making Process

All Members of Council shall accurately and adequately communicate the attitudes and decisions of the Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.

3. Release of Information to Public and Media

Members of Council acknowledge that official information related to decisions and resolutions made by Council will normally be communicated to the community and the media by the Council as a whole or the Mayor as Head of Council or by those so designated.

4. Acceptance of Gifts

Council members shall comply with the Municipal Conflict of Interest Act and must not accept a gift or personal benefit that is connected with their performance of the duties of office. This does not include gifts or personal benefits received as a matter of the protocol or social obligations that normally accompany the responsibility of office.

5. Engaging in Incompatible Activity

Members of Council shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties in the public interest. Without limiting the generality of the foregoing, Members of Council shall not:

- a) use any influence of office for any purpose other than official duties;
- b) act as an agent before Council or any committee, board or commission of Council;

- c) solicit, demand or accept the services of any corporation, employee, or individual providing services to the municipality at a time in which said person or corporation is being paid by the municipality;
- d) use any information gained in the execution of office that is not available to the general public for any purpose other than for official duties;
- e) place themselves in a position of obligation to any person or organization which might benefit from special consideration or may seek preferential treatment;
- f) give preferential treatment to any person or organization in which a Member or Members of Council have a financial interest;
- g) influence any administrative or Council decision or decision-making process involving or affecting any person or organization in which a Member or Members of Council have a financial interest; and
- g) use Corporate materials, equipment, facilities or employees for personal gain or for any private purpose.

6. Conflict of Interest

It is the responsibility of individual Member of Council to ensure that they are aware and trained in the application of the Municipal Conflict of Interest Act. The onus is on the Member of Council to identify a conflict of interest and shall take the appropriate action to identify the existence of a conflict in favour of his/her public duty.

- a) A conflict exists when an individual is, or could be, influenced, or appear to be influenced, by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgment, close mindedness or undue influence.
- b) Council members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their public or professional duties in accordance with statutory requirements. When considering whether or not a conflict exists, it is important to consider whether there are any grounds for a reasonable person to think that a conflict exists.

Recognizing that it is impossible to anticipate all possible conflicts that may arise during a Member's term of office and, those conflicts may not be only pecuniary in nature, it is generally advisable to be as open as possible. It is not enough that a conflict not exist, it must also be seen by taxpayers not to exist.

The following principles should be used as a guide (refer to *Municipal Conflict of Interest Act*):

- i. In making decisions, always place the interests of the taxpayers first and, in particular, place them before the interests of colleagues on Council, staff, friends, or family;
- ii. Always interpret the phrase "Conflict of Interest" in the broadest possible terms;
- iii. A factor which could be considered a conflict by taxpayers should be treated as a conflict and be disclosed by the member of Council.
- iv. If in doubt, it is better to disclose interest or possible interest in a matter.
- v. It is the responsibility of an individual Member of Council to obtain independent legal advice with respect to any situation that might arise whereby there is a potential for a conflict of interest;
- vi. It is considered a breach of this policy to require or to attempt to burden staff members to assist in the determination of a conflict of interest for individual Member of Council.

7. Avoidance of Waste

Members of Council shall avoid waste, abuse and extravagance in the provision or use of public resources and shall expose fraud and corruption of which the Member of Council is aware.

INTERPERSONAL BEHAVIOUR OF MEMBERS OF COUNCIL

1. Treat Every Person with Dignity, Understanding and Respect

Members of Council shall abide by the provisions of the *Human Rights Code* and, in doing so, shall treat every person, including other Members of Council, municipal employees, individuals providing services under a contract for service, students on placements, and the public, with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination.

2. Not to Discriminate

In accordance with the *Human Rights Code*, Members of Council shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, religious affiliation or faith, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability. "Age", "disability", "family status", "record of offences", "same sex partnership status" shall be as defined in the *Human Rights Code*.

3. Not to Engage in Harassment or Bullying (Psychological Harassment)

In accordance with the Corporation of the Town of Mattawa's Workplace Discrimination and Harassment Policy as amended and *Human Rights Code*, harassment shall mean engaging in a course of vexatious comment or conduct that is known, or ought to be known, to be unwelcome. Bullying is the ongoing health or career -endangering mistreatment of an employee, by one or more of their peers or supervisors. Unlikely to involve physical violence, it usually takes the form of psychological abuse. Often, verbal and strategic insults are intended to prevent targets from being successful in their job. The exercise of performance management tools with respect to employees of the Municipality for legitimate purposes by Council is not harassment or bullying.

4. Protection of Privacy

Member of Council shall comply with the *Municipal Freedom of Information and Protection of Privacy Act* at all times. Public comments, discussions and disclosures to the media regarding employees or individuals that breach a person's privacy is deemed to be a contravention of this Code of Conduct.

ALLEGATIONS, BREACHES AND DISCIPLINARY ACTIONS

1. Complaints made by Municipal Employees of Discrimination or Harassment

Where a municipal employee makes a complaint of harassment or discriminatory treatment by a Member of Council, the Member of Council may participate in the Informal Resolution and/or Mediation processes under the Workplace Harassment/Discrimination Prevention Policy.

If the Member of Council does not participate in these processes or if the complaint is not resolved through these processes, the complainant may lodge a complaint to the Ontario Human Rights Commission.

2. Complaints made by Any Person (Allegations of Activity other than in 1. above)

Any complainant may take the following steps, if applicable, to address prohibited activity by a Member of Council:

- a) A complainant may provide a written report or letter to their supervisor and the Mayor.
- b) A complainant may contact the Ontario Provincial Police with respect to an investigation under s. 122 of the *Criminal Code of Canada*, where the allegation is that a Member of Council, in a matter connected to the duties of office, commits fraud or a breach of trust.

- c) A complainant may contact the Ontario Provincial Police with respect to an investigation under s. 123 of the *Criminal Code of Canada*, where the allegation is that a Member of Council, in a matter connected to the duties of office, demands, accepts, or offers or agrees to accept from any person, a loan, reward, advantage or benefit of any kind.
- d) A complainant may advise the Member of Council verbally or in writing that the activity contravenes this by-law.
- e) A complainant may encourage the Member of Council to stop the prohibited activity.
- f) A complainant should keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information.
- g) A complainant may refer his or her complaint to the Ontario Human Rights Commission where the alleged misconduct involves a violation of the Ontario *Human Rights Code*.

PROFESSIONAL DEVELOPMENT

Members of Council shall promote and participate, where feasible, in opportunities for professional development as elected officials. Council Members are required to stay updated on issues and trends so that they can be as efficient and effective as possible in the carrying out of their duties and responsibilities. Professional development activities shall comply with appropriate policies of the Municipality.

IMPLEMENTATION

1. A Code of Conduct component will be included as part of the orientation workshop at the start of each new term of Council.
2. Council Members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis.