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CODE OF CONDUCT AND ETHICS

Town of Bancroft Board Members

POLICY STATEMENT AND RATIONALE:

As leaders of the Town, members of Boards are held to the highest standards of conduct and ethical behavior. In addition to being well informed to undertake their functions effectively, Board members are expected to carry out their duties in a fair, honest, conscientious, diligent, impartial, transparent and professional manner.

This Code of Conduct and Ethics establishes a shared and common foundation for acceptable behaviour, conduct and actions by members of Boards for the Town of Bancroft. These principles are designed to supplement the legislative parameters within which the members must operate. Additionally, this Code shall serve to strengthen the public’s perception and confidence that Town of Bancroft Board representatives operate from a base of integrity, justice, respect, honesty and courtesy.

The Code of Conduct and Ethics provides direction to members of Boards in support of the following principles:

- That independent, impartial decision making considers the best interests of the entire municipality;
- That communications are open, honest, consistent, respectful, consultative and inclusive;
- That private interests, real or perceived, are kept separate from public responsibilities;
- That respect and support for others, including other Board members, council members, Board employees, members of Town staff and members of the public, is maintained.

SCOPE:

This policy relates to Members of Town of Bancroft Boards including the Chair, Council-appointed members, and all of Board members.

GENERAL:

All members of Boards shall serve their constituents in a transparent and accountable manner. No member shall use the influence of their appointment for any purpose other than the exercise of his or her Board duties. Members shall:

- Follow the Procedural By-Law of his/her designated Board, the Town of Bancroft, and all other applicable Board or Town by-laws and policies
- Follow the provisions of the Municipal Act and the Municipal Conflict of Interest Act which apply directly or indirectly to the role of Board members and avoid any real or perceived Conflicts of Interest.
- Understand the role, responsibility and authority of a member of a Board as outlined in the Municipal Act, and as may be determined by Town policy, and support the Town's objectives.
- Adhere to and follow existing federal and provincial legislation in a manner that is consistent with such legislation.
- Adhere to the Code of Conduct and Ethics and report any contraventions of this Code.

The principles and intent of the Code should underpin the conduct of Board members when appointed to other public bodies and local government associations.

Given the range and complexity of local government activity a Code such as this cannot deal with all situations and eventualities which may arise. If other situations of potential conflict arise between personal and public interest or if instances of perceived questionable conduct arise, Board members should aim to deal with them in accordance with the principles and intent of the Code.

GIFTS AND BENEFITS

To ensure and foster a culture of impartiality and objectivity members shall not, directly or indirectly through family members, solicit any gift or accept/receive any gift or personal benefit or rewards which may be tied to or inferred to be tied directly to their position or the performance of their duties.

Members of a Board shall only:

- Accept meals and beverages, entertainment, fees, gifts, or hospitality of nominal value (defined as a value under \$100) that could not be reasonably construed as

being given in anticipation or recognition of special consideration by the member of the corporation.

- Accept meals and beverages, entertainment, fees, gifts or hospitality if the offer is infrequent (less than three times a year by an individual, business or organization) and appropriate to the occasion. In these circumstances it is assumed that the nature of the business discussed is important enough to the Town that reciprocal arrangements should openly be made and charged to the Town.

No Member shall seek or obtain by reason of his or her Board position any personal privilege or advantage with respect to Town services not otherwise available to the general public and not consequent to his or her Board duties except as authorized by law or policy of the Town.

CONFIDENTIALITY AND USE OF MUNICIPAL INFORMATION

It is every Member's responsibility to ensure information disseminated to other Members, staff and/or the public is accurate. No Board member shall willfully mislead other Members, employees or the public about any issue of municipal concern.

Every Member shall ensure that confidential information provided through the course of their duties is kept strictly confidential, during their term of office and thereafter, and not released without the approval of the Board and Council. In fulfilling these responsibilities, Members agree to adhere to the Board and Town Procedural by-law and any other Board and Town policies as amended from time to time.

All requests for Board or other Town information should be referred to the appropriate staff to be addresses as either an in formal request for access to municipal records or as a formal request under the Municipal Freedom of Information and Protection of Privacy Act.

Members will also recognize and respect that, notwithstanding their position; their rights to certain information may also be limited and/or restricted in order to follow relevant legislation. Members shall consult with the Town Clerk/CAO if clarification is required.

No Member shall:

- Use information acquired through their appointment and not available to the general public for a personal advantage.

- Use confidential information so as to cause detriment or a benefit to others inappropriately.
- Release confidential documents or information until the matter ceases to be confidential as determined by the Board and Council.
- Have access to information protected under legislation, unless it is specifically relevant to a matter before the Board.
- Speak disrespectfully or negatively about the Board, Corporation or Council's decisions without having first given the Board, Council and/or staff an opportunity to discuss the Member's concern. Any concerns regarding the conduct of another person including in contravention of the Code of Conduct by another Member or employee shall be handled through the appropriate process.
- Withhold information from the CAO, Board and Council relevant to the well-being of the municipality, the security of its assets, and/or perceived deficiencies regarding the manner in which the municipality conducts its business.
- Speak or act on behalf of the municipality without authority from Council to do so.

CONDUCT AT MEETINGS

During Board and other meetings where they are representing the Town, Members shall conduct themselves with decorum and in accordance with the Board and Town's Procedural by-law, as amended from time to time. Respect and courtesy will be provided to delegations, fellow members, staff and members of the general public. Members shall not distract from the business of the Board during presentations and when other members have the floor. Each member of the Board has a responsibility to ensure that such decorum occurs, both through their own conduct and by bringing to the attention of the Chair any offensive conduct observed.

RELATIONSHIPS WITH STAFF AND OTHER MEMBERS OF THE BOARD

Members will show respect for other Members and staff and recognize their roles and responsibilities as defined by legislation.

Members shall:

- Acknowledge that only the Board as a whole shall direct staff members to carry out specific tasks or functions.

- Refrain from using their position to improperly influence staff, Council or Board Members in their duties or functions or to gain advantage for themselves, their local municipality, or others.
- Refrain from publicly criticizing individual members of staff, Council or the Board in a way that maliciously or falsely inures the professional credibility or ethical reputation of the individual.
- Be respectful that staff work for the Board and Town as a body corporate and are charged with providing advice that is objective and based upon their professional expertise, politically neutral and consider a corporate perspective, without undue influence from individual Board Members or group of Members.
- Be respectful that other Board Members adhere to the same Code and have the right to a different point of view providing it is appropriately and responsibly shared.
- Be respectful and supportive of the Town's commitment to fostering an environment that is free from discrimination, harassment, interference, intimidation or coercion through personal adherence to the Town's respect in the Workplace Policy and the Ontario Human rights Code.

USE OF MUNICIPAL PROPERTY

Members of a Board may use Town property, equipment, supplies or services only for activities connected with the discharge of their official duties as sanctioned by Town policy or by-law. Any equipment or supplies purchased by the Town in the exercise of the Members duties (i.e. computers etc.) is Town property and will be returned to the Town at the end of the Member's term and/or restitution made as outlined in any relevant policy.

No member shall obtain financial gain from the use of Town developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the Town of Bancroft.

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

FRAUD AND BREACH OF TRUST

Members of Council shall not engage in behaviour that is fraudulent or that constitutes a breach of trust with the Town of Bancroft. A fraudulent activity includes, but is not limited to:

- Using deceit to gain a personal advantage or benefit for oneself and/or others.
- Illegally obtaining money, including the solicitation and/or the acceptance of bribes.
- Intentionally providing false or incomplete or withholding information from the Board, Council and/or Town officials.
- Intentionally circumventing Town policies or procedures to gain a personal advantage to oneself and/or others.
- Planning or participating in a theft of Town property, or the use of said property to aid and conduct a theft of any kind.
- Inappropriate personal use of or intentional damage to Town property.
- Undertaking any other illegal activity.

CONFLICTS OF INTEREST

Members shall recognize and be aware of their obligations under the Municipal Conflict of Interest Act, 1994, as amended from time to time.

Additionally, Members should be aware that some conflicts may be perceived in nature and will need to be considered on an individual basis to ensure the utmost integrity in the decision making process.

BUSINESS/ORGANIZATION RELATIONS

Members of a Board must demonstrate transparency with regards to business relations and/or organizations conducting business with the Town. No Member shall act as a paid agent before a Board or Council except as provided for in the Municipal Conflict of Interest Act, as amended.

Actions of the Member of a Board shall be above suspicion and shall not give rise to any conflict of interest, perceived or real. Dealings with business(es) and other interests must be able to bear the closest possible scrutiny and avoid risk of damage to public confidence in local government and a Board Member's impartial and objective role in the decision making process.

Members shall recognize the need for their decision making to be viewed as impartial and transparent. It is recognized that Members may have work or business activities outside of their normal Board duties. Members shall ensure these responsibilities remain distinct and separate from Town business.

TOWN EXPENDITURES AND PURCHASES

Members of Boards are typically not involved in procurement activities for the Town. However, where they may be authorized to be responsible for a certain budget and/or where they are anticipating reimbursement for purchases made, Members shall ensure they are following any relevant Board and Town by-laws and policies including, but not limited to the purchasing policies and expense policies.

DISCLOSURE

Any employee, Board Member, Council Member, Council, or a member of the general public has the right to identify any alleged non-compliance. The individual shall bring the matter forward to the CAO (if relating to an employee or a member of the public), the Chair (if related to another Member) or the Mayor (if relating to the Chair).

COMPLIANCE/CONTRAVENTION

Addressing employee matters is outlined in the Employee Code of Conduct and Ethics. Should a serious transgression occur relating to a Member of a Board, the Board and Council has the right to appoint an Integrity Commissioner who, in turn has an obligation to conduct an independent investigation and then report back to the Board Council.

As prescribed in legislation, penalties that may be imposed by the Municipality where the Integrity Commissioner reports that a Member of a Board has contravened the Code of Conduct include:

- A reprimand; or
- Suspension of remuneration for a period of up to 9- days.

Council also reserves the right to “censure” an individual Member where the conduct is deemed to be unacceptable to Council. Additionally, Council has the right and obligation to report any transgressions of an illegal matter to the appropriate police authority.

POLICY PROCEDURE AND IMPLEMENTATION

The Members of Boards Code of Conduct and Ethics will be reviewed during all incoming Board Member Orientation sessions. The Ethics and Value Statement attached as Schedule "B" to this code will be signed following the Inaugural meeting and/or following the adoption of any replacement Code of Conduct.

The Code of Conduct shall be reviewed by each Board during its term.

The Town Clerk shall keep a record of signed Oaths of Office and Ethics and Value Statements by Members of Boards for viewing by the general public during regular office hours.