

# The Corporation of the Municipality of Meaford

## By-law Number 23 – 2016

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### **Being a by-law to establish a Code of Conduct for Advisory Committees & Certain Volunteers**

**Whereas,** Section 11 of The Municipal Act S.O. 2001, C.25 authorizes municipalities to pass by-laws regarding accountability and transparency of the municipality and its operations; and

**Whereas,** Section 223.1 of the Act defines a public office holder as such other persons as may be determined by the municipality who are appointed to any office or body by the municipality; and

**Whereas,** such public office holders should be held to standards of accountability and transparency through the use of a Code of Conduct; and

**Whereas,** the Council of the Corporation of the Municipality of Meaford deems it expedient and necessary to establish a Code of Conduct for Advisory Committee Members and other volunteers;

### **The Council of The Corporation of the Municipality of Meaford enacts as follows:**

1. That the Advisory Committee & Volunteer Code of Conduct, attached and forming part of this by-law as Schedule "A", is hereby established and adopted.
2. That this by-law shall come into force and take effect upon being passed by Council.

**Read a first, second and third time and finally passed this 18th day of April, 2016.**



  
Barb Clumpus, Mayor

  
Robert Tremblay, Clerk

# Advisory Committee and Volunteer Code of Conduct

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|------------------------------|
| By-law 23-2016<br>Schedule A |
|------------------------------|

## 1.0 Policy Statement

The Municipality of Meaford values the important contribution of its volunteers, including Advisory Committee Members, which are appointed by Council. Volunteers are expected to carry out their duties in a manner consistent with the Municipality of Meaford's values of respect, integrity and community.

## 2.0 Purpose

A written Code of Conduct helps to ensure a common basis of acceptable behaviour. These standards demonstrate how volunteers conduct themselves as ambassadors of the Municipality of Meaford.

## 3.0 Scope

The Code of Conduct applies to persons who volunteer with the Municipality of Meaford in a formal way, including Advisory Committee, Task Force and Working Group members. This policy does not apply to Council, Local Boards, the Meaford Public Library Board, staff or volunteer firefighters, who must adhere to their own Codes of Conduct.

## 4.0 Definitions

- a) "Advisory Committee" means a body, primarily made up of citizen appointees with one member of Council serving as Chair. Providing advice to Council and staff on an area of expertise. The work of the advisory committee is undertaken in keeping with Terms of Reference adopted by Council.
- b) "By-Law" means a regulation passed by Council for the government of its affairs.
- c) "Chief Administrative Officer" or "CAO" means the senior executive appointed by Council who is responsible for managing the Municipality. The CAO also includes City Manager and Clerk-Administrator.
- d) "Clerk" means the person as appointed by Council pursuant to Section 228 of the Municipal Act, 2001.
- e) "Confidential Information" means:
  - i. Information in the possession of, or received in confidence by the Municipality, that it is prohibited from disclosing, or has decided to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act;

- ii. A matter that has been debated or discussed at a meeting of Council closed to the public, unless the matter is subsequently discussed in Open Session, or it is authorized to be released by Council;
  - iii. Information concerning litigation, negotiation, or personnel matters; and
  - iv. Reports of consultants, draft documents and internal communications, which, if disclosed may prejudice the reputation of the Municipality, its officers and employees, or its effective operation.
- f) "Employee" means a person employed by the Municipality, including those employed on a personal services contract and volunteers but does not include Members.
- g) "Family Relationship or Member" means:
- i. spouse, including but not limited to common-law spouse and same-sex partner;
  - ii. child, mother, father, sibling, grandchild, grandparent, aunt, uncle, niece or nephew;
  - iii. parent-in-law or sibling-in-law;
  - iv. step-parent, step-sibling, or step-child;
  - v. parent or child in a relationship where the role of the parent has been assumed; or
  - vi. any person who lives with the Member on a permanent basis.
- h) "Head of Council" means the Mayor or the Deputy Mayor in the absence of the Mayor.
- i) "Local Board" means a local board as defined in Section 223.1 of the Municipal Act, 2001.
- j) "Municipality" means the Municipality of Meaford.
- k) "Official Duties" means functions performed by volunteers sanctioned by the Municipality of Meaford.
- l) "Personal Information" as defined in the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990 c, M56 (MFIPPA), means recorded information about an identifiable individual and includes:
- i. Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
  - ii. Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relation to financial transactions in which the individual has been involved;
  - iii. Any identifying number, symbol or other particular assigned to the individual;
  - iv. The address, telephone number, fingerprints or blood type of the individual;
  - v. Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
  - vi. The views or opinions of another individual about the individual;

- vii. The individual's name if it appears with other personal information relation to the individual or where the disclosure of the name would reveal other personal information about the individual.
- m) "Task Force or Working Group" means a body of limited duration established by Council through Terms of Reference to produce recommendations for Council's consideration.
- n) "Volunteer" means a person who freely offers to take part in an activity, body or undertake a task on behalf of and sanctioned by the Municipality of Meaford.

## **5.0 Policy Requirements**

### **5.1 Statutory Provisions Regulating Conduct**

- a) This Code of Conduct complements the existing legislation governing municipalities. The following federal and provincial legislation also governs conduct:
  - i. Municipal Act, 2001
  - ii. Municipal Conflict of Interest Act
  - iii. Municipal Elections Act, 1996
  - iv. Municipal Freedom of Information and Protection of Privacy Act
  - v. Provincial Offences Act
  - vi. Ontario Human Rights Code
  - vii. Criminal Code of Canada.
- b) Complaints regarding statutory matters outlined in 5.1 a), should be directed to the appropriate process or authority.

### **5.2 General Principles and Values**

- a) Volunteers will support the mission, vision and values of the Municipality.
- b) Volunteers will respect the decision-making process of Council.
- c) Volunteers will maintain professionalism, integrity, respect, and trust.
- d) Volunteers will promote open, accountable, and transparent local government.
- e) Volunteers will encourage public respect for the Municipality, its by-laws and policies.

### **5.3 Standards of Behaviour and Conduct**

#### **5.3.1 Respect and Dignity**

- a) Volunteers have a duty to treat members of the public, one another, Council, and staff with respect and without abuse, bullying, or intimidation.

- b) Volunteers will ensure their work environment is free from discrimination and harassment.
- c) Volunteers will conduct themselves according to legislative requirements, including the municipal workplace harassment and violence policies.
- d) Volunteers will observe decorum and conduct themselves as outlined in the procedural by-law and/or Terms of Reference.
- e) Volunteers will refrain from public criticism that questions the professional reputation, competence, and credibility of Council, other volunteers, staff, or any other person.
- f) Volunteers will protect and not divulge personal and confidential information obtained or encountered in the course of volunteering.

### **5.3.2 Conduct Respecting Staff**

- a) Volunteers acknowledge that only Council as a whole has the capacity to direct staff members.
- b) Volunteers will be respectful of the fact that staff work for the Municipality and are charged with making recommendations and advice based on political neutrality that reflects their professional expertise and objectivity.
- c) Volunteers will not:
  - i. Maliciously or falsely injure the professional or ethical reputation of staff;
  - ii. Compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities; or
  - iii. Use, or attempt to use, their influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering in staff's duties.

### **5.3.3 Conduct Respecting Advisory Committees, Task Forces and Working Groups**

- a) Volunteers shall, when conducting committee business, preparing written correspondence, interacting with Members of Council, the media, the public or staff, act in a manner that:
  - i. Fulfills the mandate and Terms of Reference of the body;
  - ii. Respects due process and the authority of the Chair and Council;
  - iii. Demonstrates respect for all fellow members, Council, the public, and staff;
  - iv. Respects and gives fair consideration to diverse and opposing viewpoints;
  - v. Represents the community and works with community members to bring forward their views;
  - vi. Demonstrates professionalism, transparency, accountability, and timeliness in completing any tasks or projects undertaken by the body;
  - vii. Conforms with all relevant legislation, by-laws, policies, and guidelines;

- viii. Contributes in a meaningful manner, offering constructive comments to Council, staff, and fellow members; and
  - ix. Supports committee recommendations.
- b) A member of an Advisory Committee, Task Force or Working Group shall not:
- i. Place themselves in a position where they could derive any direct personal benefit or interest from any matter about the member can influence decisions;
  - ii. Accord preferential treatment to relatives, or to organizations in which the member or a family member have an interest, financial or otherwise.
  - iii. Deal with an application to the Municipality for a grant, award, contract, permit or other benefit involving the member or a family member;
  - iv. Place themselves in a position where the member is under obligation to any person who might benefit from special consideration or favour or who might seek preferential treatment in any way;
  - v. Benefit from the use of information acquired during the course of his or her official duties which is not generally available to the public; and
  - vi. Accept gifts, hospitality, or entertainment that could reasonably be construed as being given in anticipation or recognition of special consideration.
- c) An Advisory Committee, Task Force or Working Group member shall disclose immediately to the body or the Clerk or Recording Secretary, any potential pecuniary interest.
- d) Despite b) and c), the Municipality acknowledges that certain advisory committees are intentionally comprised of citizens representing business interests, organisations, or specific sectors. Therefore, a member's interest that arises as a result of this connection does not constitute a breach of b) or c).
- e) Where a Member believes they have a conflict of interest in a particular matter, they shall:
- i. Prior to any consideration, disclose their interest and the general nature thereof;
  - ii. Leave the room for the duration of time that the matter is being considered;
  - iii. Not take part in the discussion of, or vote on, any question or recommendation in respect of the matter; and
  - iv. Not attempt in any way, whether before, during or after the meeting, to influence the voting on any such question or recommendation.

## 6.0 Implications

This policy supports open, transparent, accessible and accountable government providing guidance to volunteers and mechanisms to bring forward complaints.

## 7.0 Complaints Protocol (See Diagram 1)

### 7.1 Informal Complaint

Any individual who identifies or witnesses behaviour or activity by a volunteer that appears to breach the Code of Conduct may:

- i) Advise the volunteer that the behaviour or activity appears to breach the Code of Conduct;
- ii) Encourage the volunteer to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity;
- iii) Document the incidents including dates, times, locations, other persons present, and any other relevant information;
- iv) Request the Head of Council or designate to assist in informal discussion of the alleged complaint with the volunteer in an attempt to resolve the issue;
- v) If applicable, confirm satisfaction with the response of the volunteer, or if applicable, advise the volunteer of dissatisfaction with the response; and
- vi) Consider the need to pursue the matter in accordance with the formal complaint procedure outlined in 7.1.2, or in accordance with any other applicable process or complaint procedure.

## **7.2 Formal Complaint**

Any individual who identifies or witnesses behaviour or an activity by a volunteer that they believe is in contravention of the Code of Conduct may file a formal complaint in accordance with the following:

- i) All formal complaints shall be made in writing using Form 1, filed with the Clerk.
- ii) The complaint must set out reasonable and probable grounds for the allegation that the volunteer has contravened the Code of Conduct.
- iii) The identity of the complainant shall be protected through a closed session meeting of Council's Nominating Committee due to personal matters about an identifiable individual, including the opinions contained in the written complaint.
- iv) The Clerk will protect any personal information about the complainant and provide a summary of the complaint to the volunteer. The volunteer will have the opportunity to prepare a response using Form 2.
- v) Council's Nominating Committee will review the formal complaint (Form 1) and the response (Form 2) in closed session due to personal matters about an identifiable individual being the complainant.
- vi) If the Nominating Committee decides there was a breach in the Code of Conduct, Council will decide the course of action and sanctions and will report out in open session.

## **7.3 Ombudsman**

Pursuant to Section 14 of the Ombudsman Act, the Ombudsman can investigate any decision or recommendation made or any act done or omitted in the course of the administration of a public sector body, including municipalities.

Those making complaints are encouraged to pursue the informal and formal complaint options outlined in this Code of Conduct policy before contacting the Ombudsman.

## 8.0 Sanctions

If the Nominating Committee determines that a breach has occurred or if a volunteer refuses to complete Form 3 (Acknowledgement), Council may impose the following:

- i. Issuance of a reprimand;
- ii. Requirement for a written or verbal apology;
- iii. Return of property or reimbursement of the property's dollar value; and/or
- iv. Removal from membership of a committee or local board.

## 9.0 Authority

Section 223.2 (1) of the Municipal Act, 2001 authorizes the Municipality "to establish codes of conduct for Members of Council of the Municipality and of local boards of the Municipality."

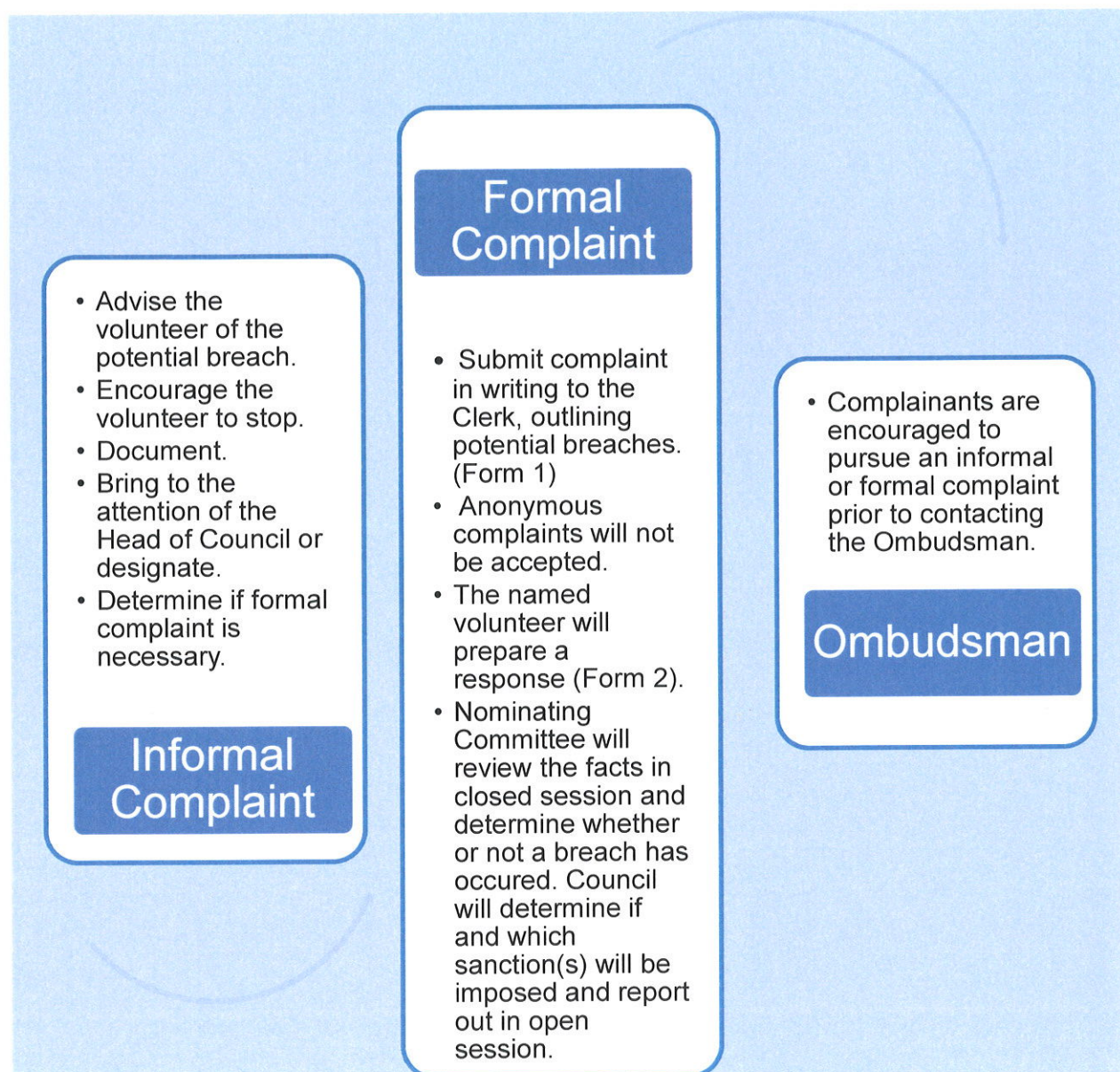
## 10.0 Contact

Questions pertaining to the Code should be directed to the Head of Council, Chief Administrative Officer, or Clerk.

## 11.0 Change History

| Date       | By-law No. | Explanation                                          |
|------------|------------|------------------------------------------------------|
| April 2016 | 23-2016    | New Advisory Committee and Volunteer Code of Conduct |

**Diagram 1 – Complaints Protocol**





**Municipality of Meaford**  
21 Trowbridge Street West  
Meaford ON, N4L 1A1  
519-538-1060



## **Advisory Committee & Volunteer Code of Conduct Formal Complaint Form 1**

Please complete the following fields with as much information as possible regarding your complaint. Please note that you must complete all fields, including personal details, in order for your complaint to be investigated.

### **Complainant Details**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

### **Complaint Details**

Who is your complaint about? \_\_\_\_\_

Which category(s) does your complaint fall under?

- |                                                   |                                                      |
|---------------------------------------------------|------------------------------------------------------|
| <input type="checkbox"/> Respect and Dignity      | <input type="checkbox"/> Conduct Respecting Advisory |
| <input type="checkbox"/> Conduct Respecting Staff | Committees, Task Forces &<br>Working Groups          |

Have you attempted to resolve your complaint through the informal process?

- ☐ Yes ☐ No

**Please turn over**

Disclaimer:

This information is collected in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*. The Clerk will protect any personal information about the complainant. The identity of the complainant shall be protected through a closed session meeting of Council due to personal matters about an identifiable individual.



Please give as much detail as possible about your complaint, including specific dates as appropriate.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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For Office Use Only:

Date Received: \_\_\_\_\_

Complaint Number: \_\_\_\_\_





**Municipality of Meaford**

21 Trowbridge Street West

Meaford ON, N4L 1A1

519-538-1060

## **Advisory Committee & Volunteer Code of Conduct Formal Complaint Form 2**

### **Section 1: Complaint Details** (to be completed by Clerk)

Complaint Number: \_\_\_\_\_

Who is the complaint about? \_\_\_\_\_

Which category(s) does the complaint fall under?

- |                                                   |                                                      |
|---------------------------------------------------|------------------------------------------------------|
| <input type="checkbox"/> Respect and Dignity      | <input type="checkbox"/> Conduct Respecting Advisory |
| <input type="checkbox"/> Conduct Respecting Staff | Committees, Task Forces &                            |
|                                                   | Working Groups                                       |

Have there been an attempt to resolve the complaint through the informal process?

☐ Yes

☐ No

Give a brief summary of the complaint against the volunteer

**Please turn over**

**Section 2: Response to Complaint** (to be completed by volunteer in question)

Please give as much detail as possible about your conduct on the matter in question, any contact with the complainant, and any additional information you feel relevant.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_





## Municipality of Meaford

21 Trowbridge Street West

Meaford ON, N4L 1A1

519-538-1060

# Advisory Committee & Volunteer Code of Conduct Form 3 – Code of Conduct Acknowledgement

I, \_\_\_\_\_, acknowledge the receipt of a copy of the Municipality of Meaford Advisory Committee & Volunteer Code of Conduct. I agree to be bound by the terms of the Code of Conduct as a member of an advisory committee or in another municipal volunteer position.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

To be signed in duplicate.