

COMMITTEE OF THE WHOLE - JUNE 23, 2009

CODE OF ETHICAL CONDUCT FOR MEMBERS OF COUNCIL

Recommendation

The Accountability and Transparency Committee, in consultation with the Integrity Commissioner, recommends:

1. That the attached Code of Ethical Conduct for Members of Council approved in principle by the Accountability & Transparency Committee on June 1, 2009, and posted to the City's Website for Public Information, be adopted.

Contribution to Sustainability

Not applicable.

Economic Impact

Not applicable.

Communications Plan

The Code of Ethical Conduct for Members of Council will be posted to the City's Website.

Purpose

The purpose of this report is to provide an updated Code of Ethical Conduct for Members of Council.

Background - Analysis and Options

- Council at its meeting of April 23, 2007 approved the position of an independent part-time Integrity Commissioner, and directed that an Accountability and Transparency Committee be established.
- Council at its meeting of November 26, 2007, recommended the appointment of Mr. Bill Fitzgerald and Ms. Joy Lerman to the Committee as the two (2) representatives from the public.
- Council at its meeting of April 14, 2008 appointed Mr. William (Bill) Weissglas as Vaughan's Integrity Commissioner.
- Council at its meeting of June 23, 2008 adopted the Complaint Protocol for Council Code of Conduct.
- On November 21, 2008, William (Bill) Weissglas tendered his resignation as Integrity Commissioner.
- Council at its meeting of February 24, 2009 appointed Ms. Suzanne Craig as Vaughan's Integrity Commissioner, effective April 6, 2009.

The Accountability and Transparency Committee was tasked, in conjunction with the Integrity Commissioner, to review and recommend revisions to the City of Vaughan's existing Code of Ethics and Conduct for Members of Council. The existing Code, Policy

01.06 dates back to 1996. The attached Code of Ethical Conduct for Members of Council is the result of lengthy consideration and deliberations, in consultation with both the former and current Integrity Commissioners, who reviewed numerous Codes of Conduct from other jurisdictions. The result is a comprehensive Code of Ethical Conduct which establishes a series of 21 rules that will guide Members of Council, each rule supported by commentary which may be supplemented by examples, to ensure a consistent understanding.

The Code of Ethical Conduct reflects an acknowledgement that ethics and integrity are at the core of public confidence in government and in the political process. In adopting this Code of Ethical Conduct, Council is recognizing that as leaders of the community, they are held to higher standards of behaviour and conduct, and that their conduct must reflect the highest ethical ideals so that it can bear the closest public scrutiny.

The Code of Ethical Conduct provides clear guidance regarding conflicts of interest, gifts and benefits, the handling of confidential information, use of City property and resources, election campaign work, improper use of influence and employment of family members among other matters, as well as provisions to enforce compliance with the Code.

Relationship to Vaughan Vision 2020

The high ethical ideals embodied in the Code of Ethical Conduct reflect the City's values identified in the Vaughan Vision 2020.

Regional Implications

None

Conclusion

The attached Code of Ethical Conduct for Members of Council should be adopted by Council.

Attachments

1. Code of Ethical Conduct for Members of Council

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Commissioner of Legal and Administrative Services and City Solicitor

Respectfully submitted,

Alan Shefman
Chair

Draft May 22, 2009

**CODE OF ETHICAL CONDUCT FOR MEMBERS OF COUNCIL
CITY OF VAUGHAN**

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Introduction

Democracy is an active process – one that requires ongoing engagement between citizens and their elected officials. Ethics and integrity are at the core of public confidence in government and in the political process.

There has been a general trend at the municipal level of government in Ontario, to develop rules around ethical conduct for elected officials so that they may carry out their duties with impartiality and equality of service to all, recognizing that as leaders of the community, they are held to a higher standard of behavior and conduct.

It is the purpose of this *Code of Ethical Conduct* to establish rules that guide Members of Council in performing their diverse roles in representing their constituents and recognize Members' accountability for managing City resources allocated to them.

Preamble

Whereas the City of Vaughan first instituted a Code of Conduct for Members of Council in 1996;

And Whereas elected officials of the City of Vaughan have and recognize their obligation to not only obey the law, but to go beyond the minimum standards of behaviour and act in a manner that is of the highest ethical ideals so that their conduct will bear the closest public scrutiny;

And whereas the private interest of elected officials of the City of Vaughan must not provide the potential for, or the appearance of, an opportunity for benefit, wrongdoing, or unethical conduct;

And Whereas this Code of Ethical Conduct stems from the principles of the pre-existing Code of Conduct that has been in place since 1996 based on the belief by the Council of the City of Vaughan that not just employees but also elected officials should have a document against which to measure their conduct and that they may be held to account;

The Council of the City of Vaughan will adopt certain rules that underscore a Councillor's belief in his/her responsibility as a public trustee;

Commentary

The operation of democratic municipal government requires that elected officials be independent, impartial and duly responsible to the people. To this end, it is imperative that:

- The City of Vaughan decisions and policy be made through the proper processes of municipal government structure.
- Public office not be used for personal gain.
- The public have confidence in the integrity of its municipal government.

A written Code of Ethical Conduct protects the public interest and 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.

The public is entitled to expect the highest standards of conduct from the members that it elects to local government. In turn, adherence to these standards will protect and enhance the City of Vaughan's reputation and integrity.

Framework and Interpretation

1. This *Code of Ethical Conduct* applies to the Mayor and all Members of Council. It is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. Commentary and examples used in this *Code of Ethical Conduct* are meant to be illustrative and not exhaustive. From time to time additional commentary and examples may be added to this document by the Integrity Commissioner, as she or he deems appropriate.
2. As long as all the facts known to the member are disclosed to the Integrity Commissioner and there is no change to these facts, then the member may rely on any written recommendations provided by the Integrity Commissioner.
3. Members of Council, Members of the public or City staff seeking clarification of any part of this *Code* should consult with the Integrity Commissioner.

Commentary

This *Code of Ethical Conduct* does not prohibit the activities in which Members of Council normally engage on behalf of constituents in accordance with applicable laws.

The Municipal Act is the primary source of regulation for municipalities and provides the basis for good governance within municipal government. There are other important documents that regulate the behavior and conduct of Members. Clear and consistent written rules provide elected officials with confirmation that their actions adhere to the highest ideals of integrity during their term of office. This *Code of Ethical Conduct* operates together with and as a supplement to the following existing statutes, documents and policies governing the conduct of Members.

Legislation:

- The Municipal Act, 2001. S.O. Chapter 25 and amendments;
- The Municipal Conflict of Interest Act;
- The Municipal Elections Act, 1996; and
- The Municipal Freedom of Information and Protection of Privacy Act.
- The Criminal Code of Canada also governs the conduct of Members of Council.

Definitions:

In the *Code of Ethical Conduct*:

1. the terms "child", "parent" and "spouse" have the same meanings as in the *Municipal Conflict of Interest Act*;
2. "child" means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;

3. "member" means a member of Vaughan City Council;
4. "parent" means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;
5. "spouse" means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
6. "family member" [for the purpose of Rule 17] means
 - spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage
 - parent, including step-parent and legal guardian
 - child, including step-child and grandchild
 - siblings and children of siblings
 - aunt/uncle, niece/nephew
 - in-laws, including mother/father, sister/brother, daughter/son
 - any person who lives with the employee on a permanent basis

Rule No. 1

Key Principles: The key principles that underline the rules in this *Code of Ethical Conduct* are as follows:

- a) **Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner.**

Commentary

This underscores that Members' carry out their official City activities in a way that will foster and enhance respect for government and above all, demonstrate respect for members of the public.

- b) **Members of Council should be committed to performing their functions with integrity and transparency.**

Commentary

As public officials, Members of Council recognize the public's right to reasonable access to information in relation to how decisions are made. This right of access includes the right of the public to receive complete and understandable information which must be balanced against the requirement to protect the legitimate interests of the City and the respect for approved policies of the City.

- c) **Members of Council shall avoid the improper use of the influence of their office, and conflicts of interest, both apparent and real.**

Commentary

As a result, Members of Council will have a common understanding that they will not participate in activities that grant, or appear to grant, any special consideration, treatment, or advantage to an individual which is not available to every other individual;

Members of Council recognize that their actions are governed by the *Municipal Conflict of Interest Act* (MCI), and that, by virtue of the provisions of that statute, the Integrity Commissioner of the City of Vaughan has no authority to receive or investigate complaints regarding alleged contraventions under the MCI.

- d) **Members of Council shall avoid any interest in any contract made by him/her in his/her official capacity and shall not contract with the City or any agency thereof for the sale and purchase of supplies, material or equipment or for the rental thereof.**

- e) **Members of Council shall not engage in the management of a business carried on by a corporation that does business or has contracted with the City of Vaughan, or hold an office or directorship, unless holding the office or directorship is in a social club, religious organization, other charitable organization or corporations with shares held by the municipality.**
- f) **Approved exceptions**
A Member of Council may engage in an activity prohibited by clause 1(e) if the following conditions are met:
- 1. The Member has disclosed all material facts to the Integrity Commissioner.**
 - 2. The Integrity Commissioner is satisfied that the activity, as carried on in the specified manner, did not create a conflict between the Member's private interest and public duty.**
 - 3. The Integrity Commissioner has given the Member his or her approval and has specified the manner in which the Member of Council may remedy the situation.**
 - 4. The Member remedies the situation in the manner and within the timeframe specified by the Integrity Commissioner.**

Commentary

Members of Council must adhere to the City's purchasing policies and pay careful attention to the Councillors' expense policies. Examples of exceptions to Rule 1(e) include hospital boards, other not-for-profit organizations and charities.

- g) **Members of Council shall perform official duties and arrange their public affairs in a manner that promotes public confidence and respect and will bear close public scrutiny; and**

Commentary

Members of Council shall not participate in activities that grant, or appear to grant, any special consideration, treatment, or advantage to an individual which is not available to every other individual member of the public.

- h) **Members of Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the City Council.**

Commentary

A number of the provisions of this *Code* incorporate and supplement policies, procedures and provisions adopted by Council and contained in various statutes. The provisions of this *Code* are intended to be applied in concert with existing legislation and to go beyond the minimum standards of behaviour.

- i) Members of Council shall fulfill their roles as set out in the Municipal Act and respect the role of staff in the administration of the business affairs of the City.**

Commentary

Members of Council recognize that the decision-making authority for the municipality lies with Council, not an individual Councillor and that it is the role of the officers and employees of the municipality to implement council's decisions and establish administrative practices and procedures to carry out council's decisions.

Rule No. 2

Gifts and Benefits:

1. No member shall accept a fee, advance, gift, loan, or personal benefit that is connected directly or indirectly with the performance of his or her duties of Office, except as specifically contemplated.

For these purposes, a fee or advance paid to or a gift or benefit provided with the member's knowledge to a member's spouse, child, or parent, or to a member's staff that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member. The following are recognized as exceptions:

- (a) compensation authorized by law;
- (b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- (c) a political contribution otherwise reported by law;
- (d) services provided without compensation by persons volunteering their time to a Member;
- (e) a suitable memento of a function honoring the Member (i.e. a trinket or favour of relatively little monetary value such as pen, notepad, t-shirts);
- (f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity at an official event;
(for greater certainty of item f, where Council has authorized or endorsed an initiative or event, this would be considered an official event.)
- (g) food and beverages consumed at banquets, receptions or similar events, for charitable, not for profit and community purposes, if:
 1. attendance serves a legitimate public duty purpose; and
 2. the value is reasonable and the invitations infrequent.
- (h) business meals;
- (i) communication to the offices of a Member, including subscriptions to newspapers and periodicals related to the duties of Office.
- (j) Sponsorships and donations for community events or initiatives organized or run by a member or a third party on behalf of a Member where Council has authorized or endorsed the event or initiative.
(for greater certainty of item j, for Member-organized community events or initiatives, Members should be transparent in their dealings with the public and should not handle any funds on behalf of any organizations and should remain at arms length from the financial aspects of these events and initiatives.

Rule #2 Part 1(j) does not affect the entitlement of a Member of Council to:

- i. Use her or his office expense budget to run or support community events subject to the terms of the Councillor Expense Policy;*
- ii. urge constituents, businesses and other groups to support community events put on by others in the Member's Ward or elsewhere in the City;*
- iii. play an advisory or membership role in any organization that holds community events in the Member's Ward; and*
- iv. collaborate with the City of Vaughan and its agencies to hold community events.*

Members are strongly encouraged to list all gifts and benefits they receive.

However, in the case of categories (b), (e), (f), (g), (h) and (i), where the value of the gift or benefit exceeds \$500, or if the total value received from any one source during the course of a calendar year exceeds \$500, the member shall within 30 days of receipt of the gift or reaching the annual limit, list the gift or benefit on a Member of Council information statement, the form of which will be prescribed by the Integrity Commissioner.

The Integrity Commissioner shall, without notice, examine from time to time the Member of Council information statement to ascertain whether the receipt of a gift or benefit might, in her or his opinion, creates, a conflict between a private interest and the public duty of the Member.

In the event that the Integrity Commissioner makes the preliminary determination, he or she shall call upon the Member to justify receipt of the gift or benefit. Should the Integrity Commissioner determine that receipt was inappropriate, he or she may direct the member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the City or City agency, board or commission.

Each Member shall file a copy of their Member of Council information statement with the office of the City Clerk on a quarterly basis (the first quarter being April 30th of the calendar year) and the statements shall be a matter of public record.

Commentary

Gifts and benefits are often received by Members in the course of their duties, and attendance at public functions is expected and considered part of their role. The object of this rule is to provide transparency around the receipt of incidental gifts and benefits, where the total value may be perceived as potentially influencing decision making.

Personal integrity and sound business practices require that relationships with vendors, contractors, or others doing business with the City, be such that no Member of Council is perceived as showing favoritism or bias toward the vendor, contractor or other. Each Member of Council is accountable to the public and should keep a list of all gifts received from individuals, firms or associations (with estimated values) in their constituency offices for review by Integrity Commissioner, as she/he deems appropriate. However, those gifts or benefits that exceed \$500 or the annual limit of \$500 for one source must be listed and kept on a form prescribed by the Integrity Commissioner and filed with the Office of the City Clerk on a quarterly basis.

Gifts that are subject to listing on the Member of Council information statement can be many types of things, and may include:

- property (i.e. a book, flowers, a gift basket, a painting or sculpture, a piece of furniture);
- use of property or facilities (i.e. a vehicle, an office, a cottage) at a reduced rate or at no cost;
- membership in a club or other organization (i.e. a golf club) at a reduced rate or at no cost;
- an invitation to and/or tickets to attend an event (i.e. an athletic commercial event, concert, a play, or day of golf) at a reduced rate or at no cost;
- an invitation to attend a gala or fund-raising event at a reduced rate or at no cost.

An invitation to attend a function where the invitation is connected to the performance of the Member's duties of Office (i.e. for which the public office holder has a ceremonial, presentational or representational official role authorized or endorsed by Council) is not considered to be a gift. Attendance is considered to be the fulfillment of an official function or duty.

There are a range of expenses that support a Councillors' role in community development and public engagement activities in their ward.

For MPPs, these expenses are generally paid for by caucus funds. This is not the case for municipal Members of Council. The City's Councillor Expense Policy should indicate allowable expenses for reimbursement and should provide for Members of Council to include certain community expenses related to Member's role in community development as allowable expenditures from their office expense budget. However, gaming tickets during charitable functions, such as raffle tickets, table prize tickets, etc. should not be eligible for reimbursement.

2. **Expenses incurred by Members of Council working during normal meal periods serve a legitimate public duty purpose, provided that the expenses incurred are reasonable and appropriate in the circumstances. Reasonable and appropriate expenses are those that:**
 - a. **Are incurred for an official duty or function;**
 - b. **Are modest, representing a prudent use of public funds;**
 - c. **Do not involve alcoholic beverages**

In general, working meals are to be provided in-house.

Commentary

Rule #2 Part 2 must be considered with and balanced against the principle contained in expenses policies in all Ontario municipalities, which is that Members are entitled to be reimbursed for expenses that are legitimately and appropriately incurred for an official duty or function and which are reasonable and prudent expenses and use of public funds in the circumstances.

Given the heavy demands on Members' schedules in the performance of their duties and functions, there are legitimate circumstances that require business meetings over a meal period and result in the Member working through his or her normal meal periods.

“Official duties” or “functions” for Members of Council include those activities that are reasonably related to a Member’s office, taking into consideration the diverse profiles of their wards and their different roles on Committees, agencies, boards and commissions.

For persons employed in the office of Members of Council, “official duties” or “functions” include those activities and responsibilities that flow from acting on direction from or taking action on behalf of a Member.

Rule No. 3

Confidential Information:

1. **No Member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so.**
2. **No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.**
3. **No Member shall directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.**
4. **No Member shall disclose the content of any such matter, or the substance of deliberations, of the in-camera meeting until the Council or committee discusses the information at a meeting that is open to the public or releases the information to the public.**
5. **No Member shall permit any persons other than those who are entitled thereto to have access to information that is confidential.**
6. **No Member shall access or attempt to gain access to confidential information in the custody of the City unless it is necessary for the performance of their duties and not prohibited by Council policy.**

Commentary

Confidential information includes information in the possession of the City that the City is either prohibited from disclosing, or is required to refuse to disclose, such as under Access and Privacy legislation. Such legislation imposes mandatory or discretionary restrictions on disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, personal information about an individual disclosure of which would constitute an unjustified invasion of privacy, and information that is subject to solicitor-client privilege. Where it is clear that a communication was not made in a confidential manner (ie. Copied to others, or made in the presence of others) or the manner of communication undermines the validity of labeling it 'confidential', such communication will not be given any higher level of confidentiality than any other communication. The words 'privileged', 'confidential', or 'private' will not be understood to preclude the appropriate sharing of the communication for the limited purpose of reviewing, responding or looking into the subject-matter of the communication

For the purposes of the *Code of Ethical Conduct*, "confidential information" may also include information that concerns personnel, labour relations, litigation, property acquisitions, the security of the property of the City or a local board, and matters authorized in other legislation, to remain confidential.

Under the Procedural By-law, a matter that has been legitimately discussed at an in-camera (closed) meeting remains confidential, until such time as a condition renders the matter public.

Requests for information should be referred to appropriate staff to be addressed as either an informal request for access to municipal records or as a formal request under the Municipal Freedom of Information and Protection of Privacy Act.

Particular care should be exercised in ensuring confidentiality of the following types of information:

- the security of the property of the municipality or local board;
- personal information about an identifiable individual, including municipal or local body employees;
- a proposed or pending acquisition or disposition of land by the municipality or local board;
- labour relations or employee negotiations and personnel matters.
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- items under contract negotiation
- price schedules in contract tender or Request For Proposal submissions
- statistical data required by law not to be released (e.g. certain census or assessment data)

Rule No. 4

Use of City Property, Services and Other Resources

No Member shall use for personal purposes any City property, equipment, services, supplies or services of consequence (for example, agency, board, commission, or City-owned materials, websites, board and City transportation delivery services, and any Members expense budgets) other than for purposes connected with the discharge of City duties, which may include activities within the Member's office of which City Council has been advised.

No Member shall obtain financial gain from the use of City 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 City of Vaughan.

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

Commentary

Members, by virtue of their position, have access to a wide variety of property, equipment, services and supplies to assist them in the conduct of their City duties as public officials. This privilege should not be seen to be abused. In recognizing that members are held to a higher standard of behavior and conduct, members should not use such property for any purpose other than for carrying out their official duties. Careful attention should be given to the provisions of the City's Councillor expense policy which identifies approved allowable expenses.

During election campaigns, refer to Rule No. 7.

Rule No. 5

Election Campaign Work:

1. **Members are required to follow the provisions of the *Municipal Elections Act, 1996*.**

Commentary

Although the Integrity Commissioner of the City of Vaughan does not have jurisdiction to receive or investigate complaints regarding alleged contraventions of the *Municipal Elections Act*, (MEA) the Integrity Commissioner shall forward any information regarding a potential breach of the MEA by a Member of Council, directly to City Clerk.

2. **No member shall use the facilities, equipment, supplies, services or other resources of the City for any election campaign or campaign-related activities.**
3. **No member shall use the services of persons for campaign related activities during hours in which those persons receive any compensation from the City.**

Commentary

Paragraph 2 of Policy 01.32 provides as follows: "Given that the Municipal Elections Act prohibits the use of corporate resources for election-related purposes, in a municipal election year, commencing on June 30th until the date of the election, Members of Council may not book directly, or indirectly, any City facility for any purpose that might be perceived as an election campaign purpose."

Rule No. 6

Business Relations

- 1. No Member shall borrow money from any person who regularly does business with the City unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.**
- 2. No Member shall act as a paid agent before Council or a committee of Council or any agency, board, or committee of the City.**
- 3. No Member shall refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.**

Commentary

Members of Council are mindful to avoid any activity that may give rise to consideration of personal gain as a result of holding public office.

Rule No. 7

Improper Use of Influence:

- 1. No Member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.**

Commentary

Pursuant to corporate policy, the City Manager directs City Commissioners, who in turn, direct City staff. City Council and not individual Members of Council appropriately give direction to the City administration.

Rule No. 8

Conduct At Council

- 1. Members shall conduct themselves at Council with decorum. Respect for deputants 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.**

Commentary

A Member of Council recognizes the importance of cooperation and strives to create an atmosphere during Council and Committee meetings that is conducive to solving the issues before Council, listening to various point of view and using respectful language and behavior in relation to all those in attendance.

Rule No. 9

Transparency & Openness in Decision Making and Member's Duties

- 1. Members shall endeavour to conduct and convey Council business and all their duties in an open and transparent manner other than for those decisions which by virtue of legislation are authorized to be dealt with in a confidential manner in closed session, so that stakeholders can view the process and rationale which was used to reach decisions, and the reasons for taking certain actions.**

Commentary

Various statutes, City by-laws, policies and procedures, as well as, decisions of courts and quasi-judicial tribunals form the basis of decisions made by City Council. Unless prohibited by legislation or by-law, Members of Council should clearly identify to the public how a decision was reached and upon which law, procedure and policy their decision was based.

Rule No. 10

Media Communications

- 1. Members of Council will accurately communicate the decisions of Vaughan's Council, even if they disagree with a majority decision of Council so that there is respect for and integrity in the decision making processes of Council.**

Commentary

A Member of Council may state that he or she did not support a decision, or voted against the decision. A member should refrain from making disparaging comments about Members of Council and Council's processes and decisions

Rule No. 11

Representing the City

- 1. Members shall make every effort to participate diligently in the activities of the Committees, agencies, boards, commissions and advisory committees to which they are appointed.**

Commentary

Individual Members of Council are appointed to committees, agencies, boards and commissions based on their various backgrounds and ability to contribute diligently to matters before them bringing their expertise and experience.

Given that Council and Committee meetings are scheduled far in advance to accommodate the many activities of elected office of a Member of Council, to participate diligently means that a Member shall not be absent from Council, agencies, boards and commissions meetings without reasonable justification (i.e. illness of member, family circumstance,) for more than three consecutive scheduled meetings or on a regular basis.

Rule No. 12

Conduct Respecting Current and Prospective Employment:

1. **No Member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the City.**

Rule No. 13

Encouragement of Respect for the City and Its By-Laws

- 1. Members shall encourage public respect for the City and its by-laws.**

Commentary

A Councillor must not denigrate a City by-law in responding to a citizen, as this undermines confidence in the City and the rule of law.

Rule No. 14

Harassment

- 1. Members shall be governed by the City's Respectful Workplace Policy.**
- 2. Harassment of a member by another member, staff or any member of the public is misconduct.**

Commentary

It is the policy of the City of Vaughan that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

The City of Vaughan's Respectful Workplace Policy (Harassment and Discrimination) ensures a safe and respectful workplace environment and appropriate management of any occurrences of harassment and discrimination as defined by the policy.

The City of Vaughan Policy applies to Members of Council and will provide guidance in the investigation by the Office of The Integrity Commissioner of any harassment and discreditable conduct complaint.

Rule No. 15

Discreditable Conduct

- 1. Members shall conduct themselves with appropriate decorum at all times.**

Commentary

As leaders in the community, members are held to a higher standard of behavior and conduct, and accordingly their behavior should be exemplary.

Rule No. 16

Conduct Respecting Staff:

- 1. 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.**
- 2. No member shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.**
- 3. Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council.**
- 4. No member shall maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff and all members shall show respect for the professional capacities of the staff of the City.**

Commentary

Members of Council should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions.

Members of Council must recognize that only Council as a whole has the capacity to direct staff members to carry out specific tasks or functions as provided in the Municipal Act. The Administration, under the direction of the City Manager, serves the Council as a whole, and the combined interests of all members as expressed through the resolutions of Council. An individual member should not request staff to undertake extensive work or prepare lengthy reports, other than pursuant to a Council direction.

It is inappropriate for a member to attempt to influence staff to circumvent normal processes in a matter, or overlook deficiencies in a file or application. It is also inappropriate for members to involve themselves in matters of administration or departmental management which fall within the jurisdiction of the City Manager. Any such attempts should be reported to the Integrity Commissioner. [note to draft: see Policy 01.24].

Rule No. 17

Employment of Council Relatives/Family Members

- 1. No member shall attempt to influence the outcome, or to influence any City employee to hire or promote a member of a Councillor's family.**
- 2. No member shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any member of his or her family.**
- 3. No member shall supervise a family member, or be placed in a position of influence over a family member.**
- 4. No member shall attempt to use a family relationship for his or her personal benefit or gain.**
- 5. Every member shall adhere to the City's nepotism policy.**

Commentary

If a family member of a Councillor is an applicant for employment with the City or candidate for promotion or transfer, the family member will proceed through the usual selection process pursuant to the City's hiring policies, with no special consideration.

Rule No. 18

Failure to Adhere To Council Policies and Procedures:

- 1. Members shall adhere to such by-laws, policies and procedures adopted by Council that are applicable to them.**

Commentary

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 City Council.

Members must pay special attention to, and comply strictly with the Councillors Expense Policy.

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

Rule No. 19

Reprisals and Obstruction:

- 1. No Member shall obstruct the Integrity Commissioner in the carrying out of her or his responsibilities.**
- 2. No member shall threaten or undertake any act of reprisal against a person initiating an *inquiry or complaint* under the Code of Conduct or who provides information to the Integrity Commissioner in any investigation.**

Commentary

Members of Council should respect the intent of the *Code of Ethical Conduct* and investigations conducted under it. It is also a violation of the *Code of Ethical 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 or refusing to respond in writing to a formal complaint lodged pursuant to the Complaint Protocol passed by Council.

Rule No. 20

Compliance with the Code of Ethical Conduct:

1. Upon receipt of the Integrity Commissioner's recommendations, Council may impose either of the following two penalties where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the *Code of Conduct*:
 1. A reprimand; or
 2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or the local board, as the case may be, for a period of up to 90 days.

2. The Integrity Commissioner may also recommend that Council take the following actions:
 - i) Removal from membership of a Committee.
 - ii) Removal as Chair of a Committee.
 - iii) Repayment or reimbursement of moneys received.
 - iv) Return of property or reimbursement of its value.
 - v) A request for an apology to Council, the complainant, or both.

Commentary

Members of Council are accountable to the public through the election process. Between elections they may, for example, become disqualified and lose their seat if convicted of an offence under the *Criminal Code* of Canada or for failing to declare a conflict of personal interest under the *Municipal Conflict of Interest Act*.

In addition, the *Municipal Act* authorizes Council to impose either of two penalties on a Member of Council following a report by the Integrity Commissioner that, in her or his opinion, there has been a violation of the *Code of Ethical Conduct*.

Rule No. 21

Implementation

- 1. Council Members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis or when so requested by Council.**
- 2. At the beginning of each term, Members of Council will be expected to sign two copies of the Code of Conduct.**
- 3. At the beginning of each term, each Member of Council shall meet with the Integrity Commissioner.**
- 4. At the beginning of each term, each Member of Council shall file an information statement of all community organizations in which they participate, in the form provided by the Integrity Commissioner, within 60 days of being elected or appointed. Thereafter, each Member of Council shall file or update their disclosure statement, once in every calendar year on the date established by the Commissioner.**
- 5. Councillors and members of the public should not assume that any unethical activities not covered by or not specifically prohibited by these ethical standards of conduct, or by any legislation, are therefore condoned.**

Commentary

At the beginning of each term, Members of Council will be expected to sign two copies of the Code of Conduct (one for themselves and one for the Clerk's Office) to convey to each other and all stakeholders that they have read, understand and accept it.

A Code of Conduct component will be included as part of the orientation workshop for each new Council.