



The Corporation of the Township of Nairn and Hyman

BY-LAW NUMBER 2007-36

BEING A BY-LAW TO ESTABLISH A CODE OF CONDUCT FOR THE CORPORATION OF THE TOWNSHIP OF NAIRN AND HYMAN

WHEREAS Section 9 of the Municipal Act 2001, S.O. 2001, c.25, provides a municipality has the capacity, rights, powers and privileges of a natural person;

AND WHEREAS, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 223.2(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended authorizes a municipality to establish codes of conduct for members of council of the municipality and of local board of the municipality;

AND WHEREAS the Council of the Corporation of the Township of Nairn and Hyman deems it expedient to adopt a Code of Conduct policy for Council;

NOW THEREFORE the Council of the Corporation of the Township of Nairn and Hyman hereby enacts as follows:

1. That this Council does hereby adopt a Code of Conduct, attached hereto as Schedule "A".
2. That this Council does hereby adopt Roles and Responsibilities of Council and Senior Management, attached hereto as Schedule "B".
3. That Schedules "A" and "B" forms part of this By-law.
4. That this By-law shall come into force and take effect upon receiving the final passing thereof.

READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED IN OPEN
COUNCIL THIS 3rd DAY OF DECEMBER 2007.

REEVE

CLERK

**The Corporation of the
Township of Nairn and Hyman**

Schedule “A” to By-law 2007-36

**Code of Conduct
for
Members of Council of the Corporation of the
Township of Nairn and Hyman**

1.0 BACKGROUND

This Code of Conduct is a public declaration of the principles of good conduct and ethics (standards of behaviour) that we the members the Corporation of the Township of Nairn and Hyman Council have decided its stakeholders could reasonable expect of us as Members of Council to demonstrate in the performance of our responsibilities as elected community representatives.

Attaining an elected position within one’s community is a privilege which carries significant responsibilities and obligations. Members of Council are held to a high standard as leaders of the community and they are expected to become well informed on all aspects of municipal governance, administration, planning and operations. They are also expected to carry out their duties in a fair, impartial, transparent and professional manner.

The key stakeholders, although obvious at first, represent a broad base of interests and concerns which require fair and open attention, adjudication and disposition.

These key stakeholders include but are not limited to:

- Residents
- Taxpayers
- Staff
- Members of Council

To assist the Municipality of the Corporation of the Township of Nairn and Hyman in interacting effectively with all stakeholders, the following obligations are expected of each of them:

- that they solemnly promise, declare and carry out their responsibilities as prescribed in the oath of office.
- that they learn and follow the Procedural By-law for Council and its Committees.
- that Council is to read and respect the guidelines contained in the Roles and Responsibilities of Council and Senior Management document.
- that they read, understand and follow the provisions of the Municipal Act and Municipal Conflict of Interest Act which apply directly and indirectly to the role of member of Council.

A “Code of Conduct” for Council members has been prepared, Appendix “II” to Schedule “A” of this By-law for their personal review and reference so as to:

- augment communication to the public in the role and integrity of municipal politicians in the Corporation of the Township of Nairn and Hyman.
- to provide present and future Councils with additional assistance and guidelines as they perform their elected duties and responsibilities, and

- to assist members of Council in providing leadership by example to staff.

It is hoped that this will be viewed by each member of Council as a valuable added resource and guideline to assist them in fulfilling their mandate in an effective, open and efficient manner.

The Municipality of the Corporation of the Township of Nairn and Hyman members of Council fundamentally understands that:

- the proper operation of democratic and representative municipal government requires that they be independent, impartial and responsible to the people,
- there are open and proper channels for decision making and approval of policy,
- conflicts between private interests and public responsibilities are unacceptable and must be avoided, and
- as leaders of the community, they are held to a higher standard of behaviour and conduct.

2.0 STATEMENT OF THE GENERAL DUTIES OF COUNCIL MEMBERS

The general duties of Council members are to act honestly and with reasonable care and diligence in the performance of discharge of official functions and duties.

Council members must not make improper use of information acquired or make improper use of their position as a member of Council.

3.0 STATEMENT OF COMMITMENT

We the members of the Corporation of the Township of Nairn and Hyman Council are committed to discharging our duties conscientiously and to the best of our ability.

In the performance of our community role we will act with honesty and integrity and generally conduct ourselves in a way that both generates community trust and confidence in us as individuals and enhances the role and image of the Council and local government generally.

In addition to all legislative requirements, we the members of the Corporation of the Township of Nairn and Hyman Council have adopted the requirements of this code of conduct and ethics as standards that we will adopt in the performance of our role.

4.0 PRINCIPLES OF THIS CODE OF CONDUCT

- 4.1 A member of Council must act in a fair, honest and proper manner according to the law.

Although areas of ethical exposure are generally consistent and understood in municipal governance, the following areas and guidelines have been specifically identified in our community, as being paramount to the municipal political process:

- I. Roles and Responsibilities**
- II. Use of Information**
- III. Communications and Media Relations**
- IV. Relationships with Staff**
- V. Gifts and Benefits**
- VI. Conflicts of Interest - Pecuniary Interest**
- VII. Use of Corporate Property**

VIII. Transparency

IX. Outside Work or Business Activities

I. Roles and Responsibilities

Council is to read and respect the guidelines contained in the Roles and Responsibilities of Council and Senior Management Document and each Council member must act with reasonable care and be diligent in the performance of his or her role and responsibilities.

II. Use of Information

In their decision making process, members of Council are sometimes privy to information which may be confidential or controversial such as, but not limited to "Closed/In Camera" meetings. It is expected that they will:

- Use "insider" information appropriately, so as not to be used to their personal advantage.
- Use confidential information appropriately so as not to cause detriment or benefit to others.
- Respect that status of confidential (personal, legal, property acquisition) information until the matter ceases to be confidential as determined by Council.
- Understand that they enjoy the same access rights to municipal information as any other member of the community, unless it is specifically relevant to a matter before the Council.
- Only release information according to the provisions of the Municipal Freedom of Information and Protection of Individual Privacy Act.

III. Communications and Media Relations

Members of Council will accurately and adequately communicate the attitudes and decisions of the Corporation of the Township of Nairn and Hyman Council, even if they disagree with a majority decision of Council so that:

- There is respect for the decision making processes of Council.
- Official information related to decisions and resolutions made by Council will normally be communicated in the first instance to the community and the media in an official capacity by the Head of Council or designate.
- Information concerning adopted policies, procedures and decisions of the Council is conveyed openly and accurately.
- Confidential information will be communicated only when and after determined by Council.

IV. Relationships with Staff and Other Members of Council

Members of Council will:

- Read and respect the guidelines contained in the "Roles and Responsibilities of Council and the Senior Management" document.
- Acknowledge that only Council as a whole has the capacity to direct staff members to carry out specific tasks or functions.
- Refrain from using their position to improperly influence members of staff in their duties or functions or to gain an advantage for themselves or others.

- Refrain from publicly criticizing individual members of staff in a way that casts aspersions on their professional competence and credibility.
- Council is to read and respect the guidelines contained in the Hiring Policy as enacted by by-law by Council. Each Council member must act with reasonable care and be diligent in the performance of his or her responsibilities with respect to the Hiring Policy of the Municipality.

V. Gifts and Benefits

Members of Council will only:

- Accept gifts, hospitality or entertainment of a nominal value that could not be reasonably construed as being given in anticipation or recognition of special consideration by the Corporation.
- Accept hospitality or entertainment if the offer is infrequent (less than 2 times a year) and appropriate to the occasion. In these circumstances it is assumed that the nature of the business discussed is important enough to the Municipality that reciprocal arrangements should openly be made and charged to the Municipality.
- Members of Council will acknowledge that the Head of Council will in his/her role, periodically receive and distribute ceremonial or other similar items.

VI. Conflicts of Interest - Pecuniary Interest

Members of Council will recognize their obligations to follow and respect both the letter and spirit of the provisions of the Municipal Act and the Municipal Conflict of Interest Act, as amended from time to time, and will disclose other interests which may not necessarily be of a pecuniary nature.

VII. Use of Corporate Property

Members of Council will only use corporate property, equipment, supplies or services of consequence, for activities connected with the discharge of official duties or associated community activities having the sanction of Council or its Committees.

VIII. Transparency & Openness in Decision Making

Members of Council will endeavour to conduct and convey Council business in an open and public manner (other than for those decisions of a personnel, legal or property acquisition matter) so that stakeholders can obtain the process, logic and rationale which were used to reach conclusions or decisions.

IX. Outside Work or Business Activities

Members of Council may not engage in any outside work or business activity:

- a) that conflicts with their duties as a member of Council.
- b) which uses their knowledge of confidential plans, projects or information about the holdings of the corporation, and
- c) that will, or is likely to, negatively influence or affect them in carrying out their duties as a member of Council.

5.0 PUBLIC INPUT

Council will periodically use formal and informal opportunities to seek public input as a component of the decision making process which have broad impacts on the community. The purpose of the exercise will be to provide stakeholders with a mechanism to provide opinions and advice so that the widest range of views and information is available before final decisions are made.

6.0 PROFESSIONAL DEVELOPMENT

Members of Council have an obligation to promote, support, pursue and partake in opportunities for professional development, including but not limited to:

- AMO Conferences.
- Ministry of Municipal Affairs and Housing seminars.
- Provincial Professional Association Training Institutes (OGRA, AMCTO, etc.)
- Provincial Municipal Council orientation sessions.
- Council Members are encouraged to stay updated on issues and trends so that they can be as efficient and effective as possible in the carriage of their duties and responsibilities.

7.0 COUNCIL'S OBJECTIVES

Council is to read and respect the guidelines contained in the Roles and Responsibilities of Council and Senior Management Document and Council members and employees will seek to achieve a team approach in an environment of mutual respect, trust and acceptance of their different roles in achieving the Council's objectives contained in the Roles and Responsibilities of Council and Senior Management.

8. IMPLEMENTATION

At the beginning of each item, members of Council will be expected to sign two copies of the Code of Conduct Document, appendix "I" to Schedule "A" of this By-law (one for themselves and one for the CAO's Office) to convey to each other and all stakeholders that they have read, understand and accept it.

Council members are expected to formally and informally review their adherence to the provision of the Code on a regular basis or when so requested by Council.

9.0 FURTHER INFORMATION

Members of the public may inspect this Code of Conduct for Council members at the Corporation of the Township of Nairn and Hyman Municipal Office.

Any enquiries in relation to this Code of Conduct should be directed to:

CAO/Clerk
The Corporation of the Township of Nairn and Hyman
64 McIntyre Street
Nairn Centre, Ontario
P0M 2L0

10.0 STATEMENT OF ADOPTION AND REVIEW

This Code of Conduct was adopted by By-law number 2007-36 on December 3rd, 2007.

Appendix "I" to Schedule "A"

A Code of Conduct for Council Members

COMMITMENT OF THE COUNCIL MEMBERS

We the Council members of the Corporation of the Township of Nairn and Hyman are committed to observing this Code of Conduct.

This Code of Conduct will be reviewed by the Corporation of the Township of Nairn and Hyman Council the year following a municipal election year.

Head of Council

Councillor

Councillor

Councillor

Councillor

Appendix “II” to Schedule “A”

A Code of Conduct for Council Members

COMPLIANCE WITH THIS CODE OF CONDUCT

- a. Process for an investigation of an alleged breach of the code of conduct:

A request for an investigation into an alleged breach may be made in writing to the Integrity Commissioner for the municipality of the Corporation of the Township of Nairn and Hyman setting out the following perimeters:
 - i. Name of Council member who breached the Code of Conduct.
 - ii. Details setting out specific breach and how committed.
- b. Responsibility for the investigation of any alleged breach:
 - i. An integrity Commissioner appointed by the Municipality.
- c. Method of investigation:
 - i. The Integrity Commissioner appointed by the Corporation of the Township of Nairn and Hyman will investigate the alleged breach in an independent manner and report back to Council.
- d. Processes to protect the rights of the individual in the course of the investigation:
 - i. The Commissioner and every person acting under the jurisdiction of the Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties of the investigation.
 - ii. If the Commissioner provides a periodic report to council on his or her activities, the Commissioner may summarize advice he or she has given but shall not disclose confidential information that could identify a person concerned.
- e. How a decision will be made and options for remedial action for any proven breaches:
 - i. Decision of a breach, recommendations, and options for remedial actions will be made by the Integrity Commissioner and will be submitted to Council.
- f. Right to appeal against any decision:
 - i. Decisions may be appealed in writing to the following:
The Integrity Commissioner for the Corporation of the Township of Nairn and Hyman.
- g. Penalties for a breach of the Code of Conduct:
 - i. The Municipality may impose either of the following penalties on a member of Council if the Commissioner reports to the Municipality that, in his or her opinion, the member of Council has contravened the Code of Conduct:
 - 1) A reprimand.
 - 2) Suspension of the remuneration paid to the member in respect of his or her services as a members of council for a period of up to 90 days.

**The Corporation of the
Township of Nairn and Hyman**

Schedule “B” to By-law 2007-36

Roles and Responsibilities of Council and Senior Management

POLICY

The Corporation of the Township of Nairn and Hyman recognizes that defining clear operational and strategic roles of Council and Senior Management is an essential management practice.

Based on this direction a working governance model was developed that is specifically designed for the Corporation of the Township of Nairn and Hyman.

ROLE OF COUNCIL

Key Roles or Functions of Council

- Establish and evaluate policies and programmes that define the strategic priorities to be achieved, the parameters within which the CAO and staff are to operate, Council - Executive relations and Council processes.
- Ensure that high quality municipal services and programs are provided in a cost-effective manner and to determine which services the municipality provides.
- Balance the diverse values, aspirations, priorities and competing interest of the community.
- Market and promote the Corporation of the Township of Nairn and Hyman as a great place to live, work and vacation.
- To ensure that administrative and controllership policies, practise and procedures are in place to implement the decisions of council.
- To maintain the financial integrity of the municipality.
- To carry out the duties of council as defined in the Municipal Act or any other Act.
- Understand and give proper consideration to legal requirements.
- Act in a reasonable, just and non discriminatory behaviour in all aspects carrying out their roles and responsibilities.
- Act in good faith and not for improper or ulterior motive.
- Behave in a manner that maintains and enhances the image of our Council and does not reflect adversely on the Council.
- Follow guidelines as to the appropriateness of the acceptance of gifts and gratuities.
- Be impartial in reaching Council decisions and acceptance of the responsibility associated with that decision.
- Be honest and claim reasonable and fair reimbursement of expenses and usage of Council equipment for official purposes.
- Appropriate and proper use of information, balancing the interests of the community against the rights of the individual.
- Attendance and participation in Council meetings, apologizing or obtaining leave of absence in advance for non attendance.
- The proper consideration of the business of the Council and being informed on the matters for decision.
- The fair and equitable treatment of all matters under consideration.
- Respect for decisions of the Council.
- Careful consideration to the allocation of resources and expenditure.

- Council members recognize that their mandate incorporate tasks to include:
 - Fairly representing the diversity of community views in developing an overall strategy for the future of our Municipality.
 - Setting objectives and determining strategies to achieve Council's Corporate objectives in a Strategic Plan.
 - Achieving sound financial management, planning and accountability.
 - Being aware of and conversant with the statutory obligations imposed on Council as a whole, as well as each individual member of Council.
- Council Members must be fair and honest in their dealings with individuals and organizations and behave in a manner that facilitates constructive communication between the Council and the community.

Key Objectives of Council

Council members must be courteous and demonstrate sensitive behaviour that does not discriminate against people.

Council members must be aware and disclose of any situation that may create a tension between public and private roles.

Council members must show respect for electors opinions and property.

Council members must prevent the misuse of his or her position to gain an advantage for themselves or others.

Council members are to recognize that an individual Council member has no authority to make decisions, direct staff or commit Council resources.

When representing the Council in the Community, Council will:

- a. provide an accurate and fair representation of Council decisions.
- b. recognize that Council members have a duty to respect Council decisions and policy directions.
- c. conduct themselves in a manner that will not reflect unfavourably on the Council.
- d. maintain mature and constructive working relationships based on mutual trust and respect.
- e. conduct the relationship with courtesy and respect.
- f. accept and respect their different but complementary roles.

Council's objectives when dealing with employees, Council will:

- a. demonstrate respect for employee's professional opinion and expertise.
- b. have an agreed communication process.
- c. prevent the misuse of their position to influence employees to gain an advantage for themselves or others.

Members will establish a working relationship with fellow members that recognizes and respects the diversity of opinion and achieves the best possible outcomes for the community as set out below:

- a. conduct the relationship with courtesy and respect.
- b. maintain behaviour that seeks to establish mature and constructive working relationships.
- c. the right of all points of view to be heard.

- d. information obtained by a member of Council as a result of his or her role is not to be used for any purpose other than Council business.
- e. clear and concise guidelines for the making of public statements on behalf of the Council.
- f. recognition that in their relationships with the media the member of Council is putting forward personal views and not those of the Council unless the individual has been specifically authorized by the Council to convey a particular position to the media.
- g. personal comments being clearly identified.
- h. information given in relation to the Council or Council decisions should be accurate and not be a misuse of information.
- l. respect for and maintenance of confidentiality.

Information obtained by a member of Council in the course of his or her duties is respected and used in a careful and prudent manner.

COUNCIL TEAM VISION

The Corporation of the Township of Nairn and Hyman serves the community through the provision of effective, responsible, and visionary leadership. The Council will:

- focus on achieving a common vision and goals for the municipality;
- make sound, effective and timely decisions based upon objective data and open debate of issues;
- develop and maintain a climate where integrity, mutual support, trust and professionalism are valued;
- utilize the diverse knowledge, expertise and talents of all Council members to optimal advantage;
- conduct its activities in an orderly, professional and businesslike manner;
- benefit from strong and effective leadership from the Head of Council and individual Council members;
- value collegiality, teamwork and a sense of humour;
- enjoy the benefits of effective communication and open sharing of information among its members;
- balance effective diverse values, aspirations and competing interest within the community; and
- work effectively in partnership with a capable executive and staff to provide excellent service to residents and customers.

COUNCIL MEMBER COMMITMENTS

Priority Setting and Decision-making

Council will utilize a strategic management approach to set directions for the municipality. This will involve:

- environmental scanning to identify major internal and external issues and developments likely to impact the municipality's operating environment;
- public, community and staff input processes to identify emerging issues and concerns;
- annual Council/Senior Management planning sessions to establish strategic priorities and related key results and strategies;
- development of a strategic plan and the allocation of resources to support its implementation;

- ongoing monitoring of implementation to ensure continued relevance and make mid course corrections as a result of unforeseen circumstances;
- assessment of progress made against established key results or performance measures.

Council members will use rational, objective decision-making processes that are supported by appropriate research of options, administrative recommendations, external resources, if required, and a thorough review of implications.

Diverse opinions, views and creative ideas will be considered and evaluated as part of the decision-making process.

Communications With the Media and the Public

- Open and thorough public debate on major issues will be encouraged.
- Council members will be honest and respectful of each other in their communications with the public and the media.
- Council members will stay focussed on issues when making public statements and issuing media releases.
- Council members will avoid public statements that damage the reputation of Council or another Council member.
- “Bad news” or failures will be dealt with in a forthright manner that includes identifying the problem, communicating the corrective action to be taken, and resisting the temptation to ascribe blame.
- Council members will give their colleagues prior notice regarding the content and timing of any planned media releases.
- For major issues, Council will attempt to reach collective agreement on the common themes to be communicated.
- A designated media spokesperson for the Council on major policy issues will be established. Formal press releases on major policy decisions taken by Council will be issued from the CAO/Clerk’s office in conjunction with the Head of Council.
- Council members will attempt to communicate a sense of Council team, share credit for successes and position Council and the Corporation positively.
- Confidential and privileged information will not be disclosed.

Once Council makes a decision, Council members will respect the legitimacy of the decision and not attempt to undermine its implementation.

Council Member Relationships - Resolving Conflicts

- Council members will deal with conflicts in a timely and issues focussed manner, i.e., significant conflicts and problems will not be ignored.
- Council members will respect each others’ time and honour commitments made.
- Council members will listen, not just react. Creation of a “shared feeling of a fair hearing” for all parties will be a priority.
- All Council members will have equal access to available information relevant to the issue or decision.
- Council members will embrace/encourage constructive disagreement and discussion while avoiding/discouraging destructive conflict.
- Resolution of conflicts and disagreements will include an assessment of the objectives to be achieved, open discussion of diverse views, additional research and professional advice as appropriate and a focus on doing what is in the best interests of the municipality.

- Council members will make reasonable attempts to build consensus on issues and failing that they will respect the majority vote on Council.

Relationships with Administration and Staff

- The policy development role of Council and operational/implementation role of Administration will be respected.
- Council members will not attempt to direct the activities of staff or departments except through established channels of authority.
- Staff skills, expertise and contributions to the municipality will be recognized and appreciated.
- Council members will direct any criticisms of staff through the Chief Administrative Officer and refrain from criticizing staff in public, at council meetings or to the media.

Monitoring Council Effectiveness

Council will measure its success against pre-established indicators including:

- levels of satisfaction with municipal services and programs;
- ability to resolve emerging issues and challenges;
- quality of fiscal stewardship as measured by adherence to financial plans and targets; economic development and growth statistics;
- how Council and the municipality are perceived by business, development industry, residents, and other levels of government;
- ability to influence policy decisions through effective representation on important regional and provincial committees, institutions, leadership initiatives; and
- comparison of performance with other municipalities on key benchmarks.

Council will review its performance periodically in relation to its council team vision and commitments.

SENIOR MANAGEMENT ROLES:

CHIEF ADMINISTRATIVE OFFICER ROLE

Directing and Leading:

Inspires, motivates and communicates a direction and vision for the organization.

Planning:

Responsible for ensuring the development of an operational planning and budget document.

Organizing:

Organize an internal structure and process to deliver the organization's services.

Staffing:

Recruiting, deploying, supervising, compensating, developing, reprimanding and terminating staff.

Controlling:

Controls the expenditure of the current budget.

SENIOR MANAGEMENT EXPECTATIONS OF COUNCIL

The CAO and Senior Management Staff have the right to expect the following from Council:

- Clear expectations, strategic directions and policy for the executive.
- Clearly defined operational role - adequate authority and freedom to manage the day-to-day operations of the municipality.
- Support for reasonable decisions made to the executive.
- Timely information regarding emerging issues and community concerns.
- Acceptance that staff recommendations may not reflect the political preferences of some Council members.

COUNCIL/SENIOR MANAGEMENT RELATIONSHIP

Council has a right to expect the following from Senior Management:

- Vision, leadership, administrative competence and political sensitivity.
- A focus on creating a strong Council/Executive team.
- Accountability, including effective and timely monitoring and reporting, re finances, major activities and results.
- Recognition that Council may not accept a recommendation for political reasons and understanding that this should not be taken as a negative reflection on administration.