



**THE CORPORATION OF THE TOWNSHIP OF AUGUSTA  
BY-LAW NUMBER 3616-2023**

**A BY-LAW TO ESTABLISH A CODE OF CONDUCT FOR THE COUNCIL OF THE  
TOWNSHIP OF AUGUSTA**

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**WHEREAS** Section 223.2(1) of the Municipal Act 2001, SO 2001, c. 25, as amended, authorizes municipalities to establish codes of conduct for Members of the Council of the municipality;

**AND WHEREAS** the Council of the Corporation of the Township of Augusta is dedicated to providing good and effective governance for the public in an open, accountable and transparent manner;

**NOW THEREFORE** the Council of the Corporation of the Township of Augusta enacts as follows:

1. That this Council does hereby adopt the Code of Conduct, attached hereto as Schedule "A".
2. That Schedule "A" forms part of this by-law.
3. That this by-law shall come into force and take effect upon receiving the final passing thereof.
4. That by-law 3356-2018 is hereby rescinded.

Read a first and second time this 13 day of February, 2023.

Read a third time and passed this 13 day of February, 2023.

  
MAYOR

  
CLERK

# **TOWNSHIP OF AUGUSTA COUNCIL CODE OF CONDUCT**

**SCHEDULE 'A' TO BY-LAW 3616-2023**

## **1. DEFINITIONS**

**Conflict of Interest:** means a conflict between public duty and private interests.

**Communications:** include but are not limited to, written or spoken words in the form of e-mail transmissions, social media, phone and pictures.

**Family Member include:**

A Spouse of the Member;

A Child of the Member;

A Parent of the Member;

A Sibling of the Member, whether by birth, marriage or adoption;

A Grandchild, grandparent, aunt, uncle, niece or nephew of the Member;

A Parent-in-law of the Member; and

Any person who lives with the Member on a permanent basis.

**Harassment:** means engaging in a course of vexatious comment or conduct against an employee, member of the public or fellow council members that is known or ought to be known to be unwelcome.

**Pecuniary Interests:** means the capacity for personal financial gain, either directly or indirectly.

**Staff (Employee):** means all paid staff of the municipality including statutory officers whether full-time, part-time, contract, seasonal or temporary.

## **2. PURPOSE**

The Council of the Township of Augusta is responsible for and dedicated to providing good and effective government for the public in an open, accountable and transparent manner.

All members of Council shall observe the highest standard of ethical conduct. They are expected to act honestly, independently, impartially, with discretion and without regard to self-interest and to avoid any situation liable to give rise to a conflict of interest.

This By-Law may be referred to as the "Code of Conduct" and is intended to provide broad guidelines and principals for standard of ethical behaviour for Council in connection with their official duties.

Every Member of Council shall observe and comply with every provision of this Code of Conduct as well as all other policies and procedures adopted or established by Council.

### **3. LEGISLATIVE AUTHORITY**

Under the Municipal Act as amended section 223.2 authorizes a municipality to establish codes of conduct for Members of the Council of the municipality.

This Code of Conduct is consistent with the existing legislation that includes but is not limited to:

- Municipal Act
- The Criminal Code of Canada (Bribery, fraud, breach of trust)
- Municipal Conflict of Interest Act
- Municipal Freedom of Information and Protection of Privacy Act
- Occupational Health and Safety Act.

### **4. APPLICATION**

This Code of Conduct applies to all Member of Council, including the Mayor, who are expected to follow this Code, the Council Procedural By-law and other applicable By-Law or policy.

### **5. GENERAL**

- This Code does not prohibit members of Council from properly using their influence on behalf of constituents.
- Members are responsible for complying with all applicable legislation, By-Laws and policies pertaining to their position as an elected official
- Members shall at all times serve and be seen to serve the interests of their constituents in a conscientious manner.
- Members are expected to perform their duties of office with integrity, accountability and transparency.

### **6. CONFIDENTIALITY**

Members of Council have a duty to hold information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. They must not, either directly or indirectly, release, make public or in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or required by law.

Members of Council must not disclose, use or release information in contravention of applicable privacy law. They are only entitled to information in the possession of the municipality that is relevant to matters before the Council.

Members of Council must not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law.

Members of Council may not use any information obtained through their role for personal gain or disclose such information to other persons to permit those persons to realize personal gain, directly or indirectly.

Council members shall keep confidential any information:

- (a) disclosed or discussed at a meeting of Council, Committee of the Whole or Standing Committee, or part of a meeting of Council, Committee of the Whole or Standing Committee, that was closed to the public.
- (b) that is circulated to Members of Council that is marked confidential or that is client solicitor protected.  
Any documentation marked confidential shall be kept securely until no longer required in the course of business and shall at that time be returned to the office of the Clerk for destruction.
- (c) that is received in confidence verbally in preparation of the closed session meeting.
- (d) Information acquired that is prohibited from disclosing under the Municipal Freedom of Information and Protection of Privacy Act.

The obligation to keep information confidential applies even if the member ceases to be a Member of Council.

Council shall not use information gained in the execution of their duties that is not available to the general public for any purposes other than their official duties.

## **7. RULES AND ETIQUETTE - MEETINGS**

During Council and other meetings where they are representing the Township, Members of Council shall conduct themselves with decorum, in a civil manner and in accordance with the Township's Procedural By-Law.

## **8. ACCEPTANCE OF GIFTS OR BENEFITS**

Members of Council shall not accept gifts that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence to ensure that Township decisions are based on impartial and objective assessment of each situation, free from influence of gifts, favours, hospitality or entertainment.

Members of Council are prohibited from soliciting, accepting, offering or agreeing to accept any gifts, commission, hospitality, reward, advantage or benefit of any kind, personally or through a family member or business connection, that is connected directly or indirectly with the performance of duties of office or could reasonably be construed as being given in anticipation of future, or recognition of past, "special consideration".

This Code does not prohibit the acceptance of a gift, benefit or hospitality that occurs as part of the social protocol or community events linked to the duties of an elected official and their role in representing the municipality.

## *Disclosure*

Council and staff shall disclose any single gift (or total value of gifts received from one source) over \$100.

## **9. DISCRIMINATION AND HARASSMENT**

Harassment of another member of Council, staff or any member of the public is inappropriate and prohibited behaviour. It is the policy of the Township that all persons be treated fairly in the workplace in an environment free of discrimination, intimidation, bullying, coercion, threats and sexual harassment.

## **10. USE OF TOWNSHIP PROPERTY, SERVICES AND OTHER RESOURCES**

Council shall not use for personal purposes any township property, equipment, services, supplies or services of consequence other than for purposes connected with the discharge of Township duties or associated community activities of which township Council has been advised.

## **11. PUBLIC COMMUNICATIONS**

Members of Council shall accurately communicate the decisions of council, even if they disagree with a majority decision of council. They may state publicly that they did not support the decision, but not so far as to undermine the standing of council in the public and in the community. When discussing the fact that they did not support a decision, a councillor shall refrain from making disparaging comments about other Members of Council or council's processes.

## **12. CONFLICTS OF INTEREST**

Council have trust placed in them by the community that necessitates that they ensure that any conflict between personal interest and public duty is minimized.

A Member of Council who has a pecuniary interest in the matter before the meeting is required to disclose the interest and its nature and precludes the member from taking any part in the discussion or voting on any question in respect of the matter.

Members of Council shall also refrain from undue influence in order to obtain advantage of behalf of another.

Members must be familiar with and comply with the Municipal Conflict of Interest Act, as amended. It is the responsibility of each Member, not Staff, to determine whether they have a direct or indirect pecuniary interest with respect to matters arising before Council, a Board or Committee. Each Member shall determine whether he or she has a direct or indirect pecuniary interest and shall at all times comply with the Act.

For purposes of this Code, a pecuniary interest, direct or indirect, of a Family Member of the Member shall be deemed to also be the personal/pecuniary interest of the Member. All Members shall declare a conflict of interest where they or their Family Member has a pecuniary interest in a matter and shall take all of the actions prescribed in the Municipal Conflict of Interest Act as if the Act applied to that interest.

In addition to pecuniary interests, Members must perform their duties impartially, such that an objective, reasonable observer would conclude that the Member is exercising their duties objectively and without undue influence. Each Member shall govern their actions using the following as a guide:

- in making decisions, always place the interests of the taxpayers and the Municipality first and, in particular, place those interests before your personal interests and the interests of other Members, staff, friends, business colleagues or Family Members;
- interpret the phrase "conflict of interest" broadly and with the objective of making decisions impartially and objectively;
- if there is doubt about whether or not a conflict exists, seek the advice of the Integrity Commissioner or legal counsel;
- do not make decisions that create an obligation to any other person who will benefit from the decision;
- do not make decisions or attempt to influence any other person for the purpose of benefitting yourself, other members, staff, friends, business colleagues or family members, or any organization that might indirectly benefit such individuals;
- do not put yourself in the position where a decision would give preferential treatment to other members, staff, friends, business colleagues or family members, or any organization that might indirectly benefit such individuals; and
- do not promise or hold out the prospect of future advantage through your influence in return for a direct or indirect personal interest

Direct or indirect personal interests do not include:

- a benefit that is of general application across the Municipality;
- a benefit that affects a member or his or her family members, friends or business colleagues as one of a broad class of persons; or
- the remuneration of Council, a member or benefits available to Council or members.

Every Member has the following obligations:

- To make reasonable inquiries when there is reason to believe that a conflict of interest may exist;
- To make Council or the Board or Committee aware of the potential conflict of interest and where appropriate, declare the interest;
- To refuse to participate in the discussion of Council, the Board or Committee and to not vote on the matter or seek to influence the vote of any other Member where a conflict of interest exists;
- To refuse to be involved in any way in the matter once the conflict is identified, including without limitation participating in meetings, facilitating meetings or introductions to Staff or Members or providing advice to any person that would materially advance the matter; and
- If the matter which creates the conflict of interest is discussed in closed session, the Member may not attend that portion of the closed session where that matter is discussed.

### **13. COUNCIL & STAFF-ROLES & RESPONSIBILITIES**

#### Legislated Responsibilities - Municipal Act, 2001

It is the role of Council:

- a) to represent the public and to consider the well-being and interests of the community;
- b) to develop and evaluate the policies and programs of the municipality;
- c) to determine which services the municipality provides;
- d) to ensure that administrative practices and procedures are in place to implement the decisions of council;
- e) to maintain the financial integrity of the municipality; and
- f) to carry out the duties of council under this and any other Act.

It is the role of the Head of Council:

- a) to act as the Chief Executive Officer of the municipality;
- b) to preside over council meetings;
- c) to provide leadership to the council;
- d) to represent the municipality at official functions, and
- e) to carry out the duties of the Head of Council under this or any other Act.

It is the role of officers and employees of the municipality:

- a) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
- b) to undertake research and provide advice to council on the policies and programs of the municipality; and
- c) to carry out other duties required under this, and any other Act and other duties assigned by the municipality.



## Council and Staff Relationships

The role of council and staff have clearly defined roles that distinguish between the concepts of "governance" and "management". For the municipality to function as it should, Council and staff should work together on the basis of shared responsibility to serve the electorate. This common objective can best be established by means of the effective management of municipal policies adopted by council.

An effective working relationship starts with mutual respect for each other's roles and responsibilities.

- a) Township council acting as a body, can dictate that staff perform such duties as are necessary to the efficient management of the affairs of the community, and/or research such matters as the council deems necessary. Individual Council members do not have authority to direct the CAO, managers or staff.
- b) The roles of the CAO and managers are to direct the day-to-day management of the municipality, and assign duties to the staff placed under their supervision. To encourage the efficient management of the community, individual Council members are requested to be cognizant of that fact and are advised of the following:
  - i) Councillors will respect and adhere to the Policies set by council, and will under no circumstances take it upon themselves, individually, to circumvent established Policies.
  - ii) Members shall respect the fact that staff carry out the direction of council and administer the policies of the municipality and are required to do so without any undue influence from any individual Member or Council.
  - iii) No member shall maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff.
  - iv) Council, as a body, and as individuals, will liaise with the CAO only. This requirement is not designed to interfere with the normal flow of information with those staff members (Administrative Assistants, Clerk, Committee Secretaries) who have been assigned the responsibility of providing information to Councillors such as meeting times, copies of documents, information on standard operating procedures, etc. by the CAO.
  - v) Questions or issues surrounding operational concerns or complaints, excluding the basic issues covered in (ii) above, should be directed to the CAO.

- vi) Councillors who still have concerns about operational issues, after addressing them with the CAO, should raise these concerns at Committee of the Whole.
- vii) The municipality has never had a practice of providing secretarial and/or research services for individual Councillors. Should information be required by individual Council members, a request should be made of the CAO, who will then decide which staff member will obtain the data.

In the extended absence of the CAO, or in the case of an urgent matter where the CAO is not available, inquiries should be directed through the Clerk.

#### **14. BREACH OF POLICY**

Any complaint alleging that a violation of the Code of Conduct has occurred shall be directed to the CAO in writing detailing the alleged breach and signed and dated by the person making the allegation within 6 months of the alleged contravention or the alleged contravention became known.

The CAO shall forward the complaint to the Municipality appointed Integrity Commissioner for investigation and review. The Integrity Commissioner will determine if the complaint is vexatious, trivial, made in bad faith or if it violates the code and may request additional information.

The Integrity Commissioner shall make an expeditious investigation and review of the complaint, following which they shall make a written report to Council which may contain recommendations concerning sanctions which Council may implement.

If the integrity commissioner finds that in their opinion a member has contravened the code the municipality may:

- a) Impose a reprimand
- b) Suspension of remuneration for up to 90 days

The Integrity Commissioner may also recommend that Council consider imposing remedial measures, including but not limited to:

- a) Written or verbal public apology
- b) Return of property or reimbursement of its value or of monies spent
- c) Removal from membership of a committee for a specified period
- d) Removal as chair of a committee for a specified period.