



CODE OF CONDUCT FOR MEMBERS OF COUNCIL & LOCAL BOARDS

PURPOSE:

The purpose of this Code of Conduct is to establish a general standard to ensure that all members of the Council of the Town of Petrolia and all members of the Town's local boards share a common basis for acceptable conduct, and to which all Members are expected to adhere to and comply with.

The Code of Conduct:

- is designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate
- serves to enhance public confidence that the Town elected representatives operate from a base of integrity, transparency, justice and courtesy

The Code of Conduct is not intended to replace personal ethics.

STATUTORY PROVISIONS REGULATING CONDUCT:

In addition, the Code of Conduct operates along with and as a supplement to the existing five statutes that govern the conduct of members of Council:

- the *Municipal Act, 2001*
- the *Municipal Conflict of Interest Act*
- the *Municipal Elections Act, 1996*
- the *Municipal Freedom of Information Privacy Act*
- the *Criminal Code (Canada)*

ARTICLE 1 - DEFINITIONS

1. In this Code of Conduct:

- (a) "benefit" means anything (other than a gift) given that confers an advantage, including but not limited to discounted or free services food or beverages for immediate consumption, activities or event tickets, unless payment in any form, including the exchange of goods or services, of equal or greater value is received by the individual or entity giving the benefit;



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- (b) “charity” means a registered charity as defined in the *Income Tax Act* (Canada) or successor legislation, which has a registration number issued by the Canada Revenue Agency, or successor agency;
- (c) “Code of Conduct” means the Code of Council for Council & Local Boards;
- (d) “community organization” means a non-profit group of persons organized for the advancement of a civic, cultural, social, health philanthropic or recreational purpose within the Town;
- (e) “confidential information” includes but is not limited to information:
 - (i) in the possession of the Town that the Town is either prohibited from disclosing, is required to refuse to disclose or exercises its discretion to refuse to disclose under the *Municipal Freedom Information and Protection of Privacy Act* or other legislation, and
 - (ii) concerning matters that are considered in an in-camera meeting under section 239 of the *Municipal Act, 2001*;
- (f) “Council” means the Council of the Town of Petrolia or, with necessary modifications, to a local board;
- (g) “family member” means:
 - (i) spouse, including but not limited to common-law spouse and same-sex partner,
 - (ii) child, sister, brother, grandchild, grandparent, aunt, uncle, niece and nephew,
 - (iii) parent, including a relationship where the person stands in the position of a parent,
 - (iv) mother-in-law, father-in-law, sister-in-law and brother-in-law, and
 - (v) step-mother, step-father, step-sister, step-brother and step-child;



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- (h) “frivolous” means of little or no weight, worth, importance or any need of serious notice;
- (i) “gift” means any real or personal property given , including but not limited to art work, clothing, money, gift certificates or gift cards, unless payment in any form, including the exchange of goods or services, of equal or greater value is received by the individual or entity giving the gift;
- (j) “in-camera” means the conduct of a meeting or part of a meeting which is closed to the public as permitted under section 239 of the *Municipal Act, 2001*;
- (k) “local board” means any committee, agency, board or commission of the Town, which is a local board as defined in subsection 1(1) and section 223.1 of the *Municipal Act, 2001* and includes a joint board where the Member is appointed by the Council;
- (l) “meeting” means a meeting as defined in section 238 of the *Municipal Act, 2001*;
- (m) “Member” means a member of Council or a member of a local board of the Town;
- (n) “lobbyist” means a person who is registered as a lobbyist in the Town Voluntary Lobbyist Registry;
- (o) “Town” means the Town of Petrolia, either in the sense of the geographic area of the municipality or in the sense of the identity of the municipal corporation, as the context requires; and
- (p) “vexatious” means troublesome or annoying in the case of being instituted without sufficient grounds and serving only to cause irritation and aggravation to the person being complained of.

ARTICLE 2 - GENERAL

2. The key statements of principle that underlie the Code of Conduct and that are intended to guide Members and assist with the interpretation of the Code of Conduct are as follows:



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- (a) Members shall serve and be seen to serve their constituents in a conscientious and diligent manner;
- (b) Members shall be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both apparent and real;
- (c) Members shall perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny;
- (d) Members shall be cognizant that they are at all times representatives of the Town and/or of their local boards, and shall recognize the importance of their duties and responsibilities, take into account the public character of their function and maintain and promote the public trust; and
- (e) Members 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, the Provincial Legislature, and Council.

ARTICLE 3 - APPLICATION

- 3. This Code of Conduct applies to all members of Council, including the Mayor and, unless specifically provided, with necessary modifications, to all of the Town's committees, agencies, boards and commissions, which comprise and are defined as local boards in subsection 1(1) and section 223.1 of the *Municipal Act, 2001*.

ARTICLE 4 - GIFTS AND BENEFITS

- 4. No Member shall accept a fee, advance, gift or benefit that is connected directly or indirectly with the performance of their duties in office unless permitted by the exceptions listed in Section 6.
- 5. For the purposes of Section 4, a fee or advance paid to, or a gift or benefit given with the member of Council's knowledge to their family member or to their staff that is connected directly or indirectly to the performance of their duties in office is deemed to be a gift or benefit to that member of Council.
- 6. The following are exceptions to Section 4:



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- (a) compensation authorized by law;
- (b) such gifts or benefits that normally accompany the duties of office and are received as an incident of protocol or social obligation;
- (c) a political contribution otherwise reported by law;
- (d) admission to a widely attended event, such as a convention conference, symposium, forum , panel discussion, dinner, viewing, reception or similar event, offered by the entity responsible for organizing and presenting the event and unsolicited by the Member, if attending or participating in their official capacity, including:
 - (i) participation in an event as a speaker or panel participant by presenting information related to Town matters,
 - (ii) performance of a ceremonial function appropriate to the Member's office, and
 - (iii) attendance at an event that is appropriate to the official as a Member;
- (e) admission to a charity or community organization event offered by the charity or community organization for whose benefit the event is being held and unsolicited by the Member;
- (f) admission to a training or education program, including meals and refreshments furnished to all attendees, if such training or education is related to the Member's duties in office and in the interest of the Town;
- (g) services provided without compensation by persons volunteering their time to a charitable event or for an election campaign;
- (h) a suitable memento of a function honouring the Member;
- (i) food, lodging, transportation and entertainment provided by federal provincial or municipal governments or by political subdivisions of them or by a foreign government within a foreign country;
- (j) food and beverages consumed at banquets, receptions or similar events, if:



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- (i) attendance serves a legitimate business purpose,
 - (ii) the person extending the invitation or a representative of the organization is in attendance, and
 - (iii) the value is reasonable and the invitations infrequent; and
 - (k) communication to the office of a Member including subscriptions to newspapers and periodicals.
7. Except for Section 6(c), the exceptions listed in Section 6 do not apply to lobbyists. Lobbyists are not permitted to give a gift or benefit under this Section unless it is a political contribution permitted by law.
8. In the case of Sections 6(b), (h), (i), (j) and (k), if the value of the gift or benefit exceeds \$200, or if the total value received from anyone source during the course of a calendar year exceeds \$200, the Member shall within 30 days of receipt of the gift or benefit or of reaching the annual limit, file a disclosure statement with the Town Clerk. The disclosure statement must indicate:
- (a) the nature of the gift or benefit,
 - (b) its source and date of receipt, and
 - (c) the circumstances under which it was given or received.
9. Any disclosure statement made under Section 8 will be a matter of public record.

ARTICLE 5 - CONFIDENTIALITY

10. 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 or the local board to do so.
11. No Member shall use confidential information for financial or other gain, or for the financial or other gain of a family member or any person or corporation. For example, no Member should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of municipal or local board property or assets.



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12. No Member shall disclose the content of a matter that has been discussed at or the substance of deliberations of an in-camera meeting, except for content that has been authorized by Council, a Committee of Council or a local board to be released to the public.
13. Examples of the types of content that a Member must keep confidential under this section include but are not limited to:
 - (a) items under litigation, negotiation, or personnel matters;
 - (b) information that infringes on the rights of others (e.g. sources of complaints where the identity of a complainant is given in confidence);
 - (c) price schedules in contract tender or Request For Proposal submissions if so specified;
 - (d) information deemed to be personal information under the *Municipal Freedom of Information and Protection of Privacy Act*;
 - (e) statistical data required by law not to be released (e.g. certain census or assessment data).
14. No Member shall access or attempt to gain access to confidential information in the possession of the Town unless it is necessary for the performance of their duties and not prohibited by Council or local board policy.

ARTICLE 6 - USE OF TOWN PROPERTY, SERVICES AND OTHER RESOURCES

15. No Member shall use or permit the use of Town land, facilities equipment, supplies, services, Town employees or other resources (for example, Town-owned materials, websites, transportation delivery services or Member global budgets) for activities other than the business of the Town or the local board.
16. No Member shall obtain financial gain from the use or sale of Town developed intellectual property (for example , inventions, creative writings or drawings), computer programs, technical innovations, or other items capable of being patented , since all such property remains exclusively that of the Town or local board.



ARTICLE 7 - ELECTION CAMPAIGN WORK

17. Members are required to comply with the *Municipal Elections Act, 1996*.
18. No Member shall use the facilities, equipment, supplies, services or other resources of the Town for any election campaign or campaign-related activities, except on the same basis (including paying a fee if any) as such resources are normally made available to members of the public.
19. No Member shall use their newsletter or their website linked through the Town's website for any election campaign or campaign-related activities.
20. No Member shall use the services of Town employees for any election campaign or campaign-related activities during hours in which those Town employees receive any compensation from the Town.

ARTICLE 8 - CONDUCT AT COUNCIL AND COMMITTEE

21. Members shall conduct themselves with decorum at meetings of Council, Committees of Council and local boards in accordance with the provisions of the Procedural By-law.
22. Under its Accountability and Transparency Policy, the Town supports ensuring accountability and transparency in all its actions. Accordingly, in addition to disclosing a pecuniary interest under the *Municipal Conflict of Interest Act*, Members shall disclose non-pecuniary interests they have in a matter, either on their own behalf or while acting for, by, with or through another, prior to consideration of that matter at a meeting of Council, a Committee of Council or a local board.
23. Examples of types of non-pecuniary interests in a matter to be disclosed under Section 22 include but are not limited to:
 - (a) a Member being a director or senior officer of an entity, whether or not appointed by Council;
 - (b) a Member's family member being a director or senior officer of an entity; and



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- (c) a Member or their family member holding a licence or other permission issued by the Town.

- 24. Section 23 does not apply to a non-pecuniary interest which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the Member or an interest that is held in common with other electors generally.

ARTICLE 9 - REPRESENTING THE TOWN

- 25. Members shall make every effort to participate diligently in the activities of the agencies, boards, and commissions to which they are appointed.

ARTICLE 10 - IMPROPER USE OF INFLUENCE

- 26. No Member shall use the influence of their office for any purpose other than for the exercise of their official duties.

- 27. Examples of types of prohibited conduct under this Section include but are not limited to:

- (a) the use of one's status as a Member to improperly influence the decision of another person to the private advantage of oneself, or one family members, Town employees, friends, or associates business or otherwise, including attempts to secure preferential treatment beyond activities in which members of Council normally engage on behalf of their constituents as part of their official duties; and
- (b) the holding out of the prospect or promise of future advantage through a Member's supposed influence within Council or a local board in return for present actions or inaction.

- 28. For the purposes of this section "private advantage" does not include a matter that:

- (a) is of general application;
- (b) affects a Member, their family members, Town employees friends, or associates, business or otherwise , as one of a broad class of persons; and
- (c) or that concerns the remuneration or benefits of a Member.



ARTICLE 11 - BUSINESS RELATIONS

29. No Member shall act as paid agent before Council, its Committees, a local board or an agency, board or commission of the Town except in compliance with the *Municipal Conflict of Interest Act*.
30. No Member shall refer a third party to a person, partnership, or corporation in exchange for financial or other gain.

ARTICLE 12 - CONDUCT RESPECTING CURRENT AND PROSPECTIVE EMPLOYMENT

31. No Member shall allow the prospect of their future employment by a person or entity to detrimentally affect the performance of their duties as a Member.

ARTICLE 13 - CONDUCT RESPECTING TOWN EMPLOYEES

32. Only Council as a whole has the authority to approve budget, policy, Committee processes and other such matters. Accordingly, a Member shall direct requests for action outside of Council-approved budget, process or policy, to the appropriate Standing Committee.
33. Under the direction of the Chief Administrative Officer, Town employees serve the Council as a whole, and the combined interests of all Members as evidenced through the decisions of Council. Accordingly:
 - (a) Members shall be respectful of the role of Town employees to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council;
 - (b) Members shall show respect for the professional capacities of Town employees;
 - (c) no Member shall maliciously, falsely, negligently or recklessly injure the professional or ethical reputation, or the prospects or practice of Town employees; and
 - (d) no Member, including the Mayor, is entitled to provide individual direction or instructions to Town employees, except for the Chief Administrative Officer and



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any direction or instructions to Town employees must be authorized or sanctioned by Council as a whole.

34. No Member shall ask, request or compel Town employees to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.
35. No Member shall use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any Town employee with the intent of interfering with that employee's duties, including the duty to disclose improper activity.

ARTICLE 14 - RESPECT FOR THE TOWN AND ITS BY-LAWS

36. Members shall encourage public respect for the Town and its by-laws.

ARTICLE 15 - ADHERENCE TO COUNCIL POLICIES AND PROCEDURES

37. Members shall observe the terms of all policies and procedures established by Council, provided that a Member's failure to observe the rules of procedure contained in the Procedural By-law is deemed not to be a contravention of this Code of Conduct.
38. Section 37 does not prevent a Member from requesting that Council or a local board grant an exemption from a policy or procedure and such an exemption may be limited as to time or scope and subject to amendment or revocation.

ARTICLE 16 - COMPLAINTS UNDER THE INTEGRITY COMMISSIONER BY-LAW

39. No Member shall take a reprisal or make a threat of reprisal against a person who has filed a complainant or who has provided information to the Integrity Commissioner under the Integrity Commissioner By-law.
40. No Member shall obstruct the Integrity Commissioner in carrying out its responsibilities under the Integrity Commissioner By-law.
41. Examples of the types of obstruction prohibited under Section 40 include but are not limited to:



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- (a) destroying documents including erasing electronic documents;
- (b) withholding or concealing documents including electronic documents; and
- (c) failing to respond to the Integrity Commissioner within 15 days after a written request is given or within such longer period as the Integrity Commissioner may allow.

ARTICLE 17 - HARASSMENT

42. Members acknowledge and understand that all persons are to be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment. Accordingly:
- (a) no Member shall harass another Member, Town employee or any member of the public; and
 - (b) all Members shall:
 - (i) treat one another, Town employees and members of the public appropriately and without abuse, bullying or intimidation, and
 - (ii) make all reasonable efforts to ensure that their work environment is free from discrimination and harassment.

ARTICLE 18 - EMPLOYMENT OF FAMILY MEMBERS

43. No Member shall attempt to influence the hiring or promotion of their family member.
44. No Member shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate their family member.
45. If a family member of a Member is an applicant for employment with the Town or candidate for promotion or transfer, the family member will proceed through the usual selection process with no special consideration.
46. No Member shall act as a supervisor of their family member, or be placed in a position where they could have influence over their family member's employment.



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47. No Member shall attempt to use a family relationship for financial or other gain.

ARTICLE 19 - PENALTIES

48. Where the Integrity Commissioner determines that a Member has contravened this Code of Conduct, the Integrity Commissioner may report such contravention and recommend the following penalties:

- (a) a reprimand; or
- (b) a suspension of the remuneration paid to the Member in respect of their services as a Member for period of up to 90 days.

ARTICLE 20 - REMEDIAL OR CORRECTIVE MEASURES OR ACTIONS

49. Council may, on the basis of a recommendation from the Integrity Commissioner, also take any or all of the following corrective or remedial actions, and require that the Member:

- (a) provide a written or verbal apology;
- (b) return property or make reimbursement of its value or of money spent;
- (c) be removed from or not be appointed to the membership on a committee of Council;
- (d) be removed from or not be appointed as chair of a committee of Council; and
- (e) comply with any other remedial or corrective action or measure deemed appropriate by the Integrity Commissioner.

ARTICLE 21 – INTEGRITY COMMISSIONER ADVICE

50. Members may seek the written advice of the Integrity Commissioner with respect to the application of this Code of Conduct and sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*.



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