

COUNCIL CODES OF CONDUCT

Christopher Raynor, Regional Clerk
Office of the Regional Clerk, Corporate Services
April 19, 2018



DECLARATION OF OFFICE

Do solemnly promise and declare that:

1. I will truly, faithfully and impartially exercise this office to the best of my knowledge and ability.
2. I have not received and will not receive any payment or reward, or promise thereof, for the exercise of this office in a biased, corrupt or in any other improper manner.
3. I will disclose any pecuniary interest, direct or indirect in accordance with the *Municipal Conflict of Interest Act*.
4. I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (or the reigning sovereign for the time being).

ESTABLISHING JURISDICTION

REGIONAL	NON-REGIONAL
Actions taken by a Member of Regional Council on York Regional property	Actions taken while executing their duties as a member of council for a local municipality
Actions taken by a Member when interacting with York Regional staff and/or another Member of Regional Council	Actions taken in relation to business that is before the council and/or within the purview of a local municipality
Actions taken in relation to matters immediately before and/or solely within the purview of York Regional Council	Actions taken when solely representing the council of a municipality other than York Region
Actions taken in relation to business directly provided by York Region	
Actions taken during a York Regional event and/or function	
Actions taken during a non-York Regional event and/or function where the Member has been expressly invited or is participating as a representative of York Regional Council and not on behalf of a local municipality	

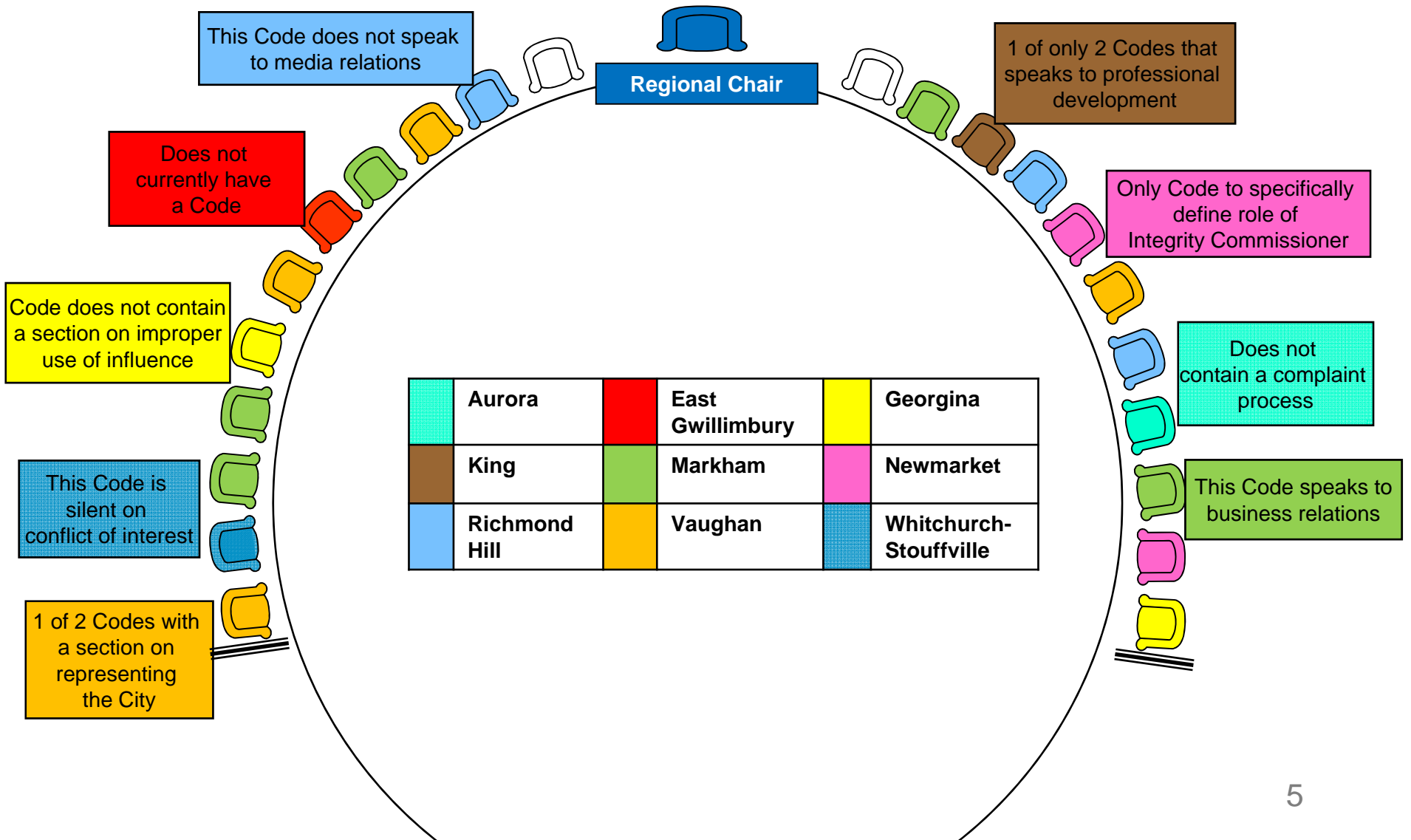
MANAGING AMBIGUITY OF JURISDICTION

Integrity Commissioners will work together to develop a process to resolve the matter and report the findings to the appropriate council(s).

Consideration will be given to:

- a) the **municipality** in which the **complaint was filed**
- b) the **municipality** in which the **expense claim was filed**
- c) the **reasonableness** for that municipality's Integrity Commissioner **to undertake the investigation.**

EXISTING CODES ARE SIMILAR BUT DIFFERENT



EXAMPLE – GIFTS AND BENEFITS



Members are not permitted to accept a gift or benefit, other than in connection to the nine (9) circumstances outlined in the Code.

- ← No Limit > Three Annually of Nominal Value →
- ← No Code →
- ← Must be of Nominal Value →
- ← \$500 from any one source →
- ← \$350 from a single source →
- ← Depends on Context in which it is Given →
- ← \$350 per gift to an annual max of \$500 →
- ← \$500 any one source in a calendar year →
- ← \$500 Annually →



Different Codes & Integrity Commissioners

COMPONENTS OF THE CODE

YORK REGION CODE SECTION	REFLECTED IN LOCAL (OUT OF A Possible 8)	
Statement of Principles	6	G K M N R H V
Definitions	6	G M N R H V W S
Conduct at Meetings	6	A G K M V W S
Staff and Council Relations*	7	A G M N R H V W S
Use of Regional Property*	8	A G K M N R H V W S
Gifts and Benefits*	8	A G K M N R H V W S
Confidentiality*	7	G K M N R H V W S
Discrimination and Harassment	7	A G K M N V W S
Improper Use of Influence	5	K M N V W S
Election Activity	5	G M N V W S
Compliance / Penalties	6	G M N R H V W S

*Proposed Mandatory Sections

GIFTS AND BENEFITS

York Region – Section 5

5.2 Members shall not accept any gift or benefit in their public capacity other than in the following circumstances:

- g) Participating in or consuming food and beverages at banquets, receptions, sporting events or similar functions, if:
- Attendance serves a legitimate business purpose, or supports a charitable cause in the community, a board of trade or chamber of commerce; and,
 - The person extending the invitation or representative of the organization is in attendance; and further,
 - The value is nominal

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 - The person extending the invitation or representative of the organization is in attendance; and further,
 - The value is nominal

City of Markham - Section 10

Members are permitted to accept gifts that meet the following criteria:

- g) tickets or admission to banquets, receptions, sporting events, cultural events, performances or similar events, for charitable, not-for-profit or community purposes, if:
- I. attendance is open and transparent and serves a legitimate charity fundraising or community purpose; and,
 - II. the value and venue location are reasonable;

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- Attendance serves a legitimate business purpose, or supports a charitable cause in the community, a board of trade or chamber of commerce; and,
 - The person extending the invitation or representative of the organization is in attendance; and further,
 - The value is nominal

City of Vaughan - Rule No. 2

The following are recognized as exceptions:

- 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;

GIFTS AND BENEFITS

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- g) Participating in or consuming food and beverages at banquets, receptions, sporting events or similar functions, if:
- Attendance serves a legitimate business purpose, or supports a charitable cause in the community, a board of trade or chamber of commerce; and,
 - The person extending the invitation or representative of the organization is in attendance; and further,
 - The value is nominal

Town of Richmond Hill – Section 5

Members are not precluded from accepting:

- d) invitations from charity or not for profit organization to attend their events;
- e) food and beverages at banquets, receptions, ceremonies or similar events

GIFTS AND BENEFITS

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- Attendance serves a legitimate business purpose, or supports a charitable cause in the community, a board of trade or chamber of commerce; and,
 - The person extending the invitation or representative of the organization is in attendance; and further,
 - The value is nominal

Town of Newmarket – Section 9.2

- i) food, beverages and/or admission fees provided by banquets, receptions or similar events if attendance is the result of protocol or social obligation consistent with the responsibilities of office, and the person extending the invitation has done so infrequently and that person or a representative of the organization is in attendance;

GIFTS AND BENEFITS

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- Attendance serves a legitimate business purpose, or supports a charitable cause in the community, a board of trade or chamber of commerce; and,
- The person extending the invitation or representative of the organization is in attendance; and further,
- The value is nominal

Town of Aurora – Section 5

Members of Council will only:

- Accept gifts, hospitality or entertainment of a nominal value that are received as an incident of protocol or social obligations that normally accompany the responsibilities of office

GIFTS AND BENEFITS

York Region – Section 5

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- Attendance serves a legitimate business purpose, or supports a charitable cause in the community, a board of trade or chamber of commerce; and,
 - The person extending the invitation or representative of the organization is in attendance; and further,
 - The value is nominal

Town of Whitchurch-Stouffville - Rule No. 2

The following are recognized as exceptions:

- g) food and beverages consumed at banquets, receptions or similar events, for charitable, not for profit and community purposes, if:
- attendance serves a legitimate public duty purpose; and
 - the value is reasonable and the invitations infrequent;

GIFTS AND BENEFITS

York Region – Section 5

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g) Participating in or consuming food and beverages at banquets, receptions, sporting events or similar functions, if:

- Attendance serves a legitimate business purpose, or supports a charitable cause in the community, a board of trade or chamber of commerce; and,
- The person extending the invitation or representative of the organization is in attendance; and further,
- The value is nominal

Town of Georgina – Section 9

9.2 Members may accept hospitality or entertainment if the offer is infrequent and appropriate to the occasion.

Members may also accept the following:

- Food and beverages at banquets, receptions, ceremonies or similar events

GIFTS AND BENEFITS

York Region – Section 5

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- g) Participating in or consuming food and beverages at banquets, receptions, sporting events or similar functions, if:
- Attendance serves a legitimate business purpose, or supports a charitable cause in the community, a board of trade or chamber of commerce; and,
 - The person extending the invitation or representative of the organization is in attendance; and further,
 - The value is nominal

Township of King – Section 2

This section does not apply to tokens, mementos, souvenirs or such gifts or benefits that are received as an incident of protocol or social obligation that normally accompany the responsibilities of office.

STATEMENT OF PRINCIPLES

York Region – Section 1 - Statement of Principles

The following principles will guide Members and assist with the interpretation of the Code of Conduct:

- Members shall **serve the public** in a **conscientious** and **diligent** manner
- Members shall always act and are expected to **perform their functions** with **integrity, accountability** and **transparency**, and shall **avoid the improper use of influence** of their office and conflicts of interest, both apparent and real

City of Vaughan - Rule No. 1

- a) Members of Council shall serve and be seen to **serve their constituents** in a **conscientious** and **diligent** manner
- b) Members of Council should be committed to **performing their functions** with **integrity** and **transparency**

Town of Richmond Hill – Section 2 - Purpose

"The clear statement of these standards and expectations should **serve to enhance the public's confidence** that the elected officials of the Town of Richmond Hill will operate from a base of **integrity** and fairness to ensure responsible and **accountable** decision making on its residents behalf

Town of Whitchurch-Stouffville - Rule No. 1 –

- 1.1 Members of Council shall serve and be seen to **serve their constituents** in a **conscientious** and **diligent** manner
- 1.2 Members of Council should be committed to **performing their functions** with **integrity** and **transparency**

City of Markham - Section 4 - Principles of the Code of Conduct

4.1 The following principles of conduct apply to all Members. Members are expected to:

- a) serve and be seen to **serve their constituents** in a **conscientious** and **diligent** manner;
- b) be committed to **performing their functions** with **integrity** and **transparency**;

Town of Georgina – Section 2 – Purpose

- the decision-making process of Town Council, Local Boards and Committees is **open, accessible** and **equitable**;
- public office is not to be used for personal gain;
- residents have confidence** in the **integrity** of their local government;
- the conduct of Members of Council, Local Boards and Committees is of the **highest standard**; and
- there is **fairness** and respect for differences and a duty to work together for goodwill and common good

Town of Newmarket - Key statements of principles

- a) the decision-making process of Council is **open, accessible** and **equitable** and respects the Town's governance structure;
- b) public office is **not to be used for the personal financial benefit** of any Member;
- c) Town residents should have confidence in the **integrity** of their local government and of their Members;
- d) the conduct of each Member is of the **highest standard**; and
- e) the conduct of each Member **demonstrates fairness**, respect for differences and a duty to work with other Members together for the common good.

Township of King – Section 1 – General

All members shall **serve their constituents** in a **conscientious** and **diligent** manner. **No member shall use the influence** of office for any purpose other than for the exercise of his/her official duties.

Town of Aurora

The Town of Aurora expects its members of Council to adhere to the **highest standards** of personal and professional competence, **integrity** and **impartiality** to ensure public **confidence** and **trust** is maintained.

IMPROPER USE OF INFLUENCE

York Region – Section 8

8.1 Members shall not use the influence of their office or appointment for any purpose other than the exercise of his or her official duties.

City of Vaughan - Rule No. 7

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

City of Markham - Section 13

13.1 Members will not use their influence for any purpose other than the exercise of their official duties

IMPROPER USE OF INFLUENCE

York Region – Section 8

8.1 Members shall not use the influence of their office or appointment for any purpose other than the exercise of his or her official duties.

Town of Whitchurch-Stouffville - Rule 7

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

Town of Aurora

- f) No member shall use the influence of office for any purpose other than for the exercise of his/her official duties

IMPROPER USE OF INFLUENCE

York Region – Section 8

8.1 Members shall not use the influence of their office or appointment for any purpose other than the exercise of his or her official duties.

Town of Newmarket – Section 7

No Member shall use their status as a Member of Council to improperly influence the actions or decisions of Staff or others to the private advantage of the Member or his or her family, staff, friends or associates, business or otherwise.

NEXT STEPS

April 2018

- Council approves Code of Conduct
- Delegates Integrity Commissioner hiring process/decision to staff

Summer 2018

- Hire Integrity Commissioner
- Integrity Commissioner develops complaint / investigation processes

September 2018

- Update to Council

RECOMMENDATION

It is recommended that:

1. Council adopt the Code of Conduct for Members of Regional Council as set out in Attachment 1.
2. Council adopt the provisions of the Code of Conduct to serve as the required policy with respect to the relationship between members of council and staff.
3. The Regional Clerk be delegated the authority to appoint an Integrity Commissioner, based on the criteria outlined in this report, for a term of five years with the option to renew for one additional five-year term.