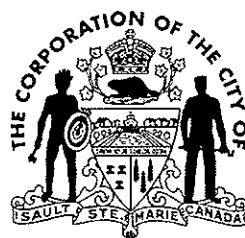


SAULT STE. MARIE CITY COUNCIL AND LOCAL BOARDS

CODE OF CONDUCT

Approved by City Council 2010 01 25

City Clerk's Department
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SAULT STE. MARIE CITY COUNCIL AND LOCAL BOARDS

CODE OF CONDUCT

As one of the Accountability and Transparency tools in the Municipal Act, a Code of Conduct allows a municipality to pass a bylaw establishing a Code of Conduct for members of Council as well as Council appointed members of Boards and Committees hereafter called Local Boards.

At this point, some Ontario municipalities have a 'code of conduct' for elected officials incorporated within their procedure by-law. This approach may be limited to codifying the demeanor of elected officials during a Council meeting. However, some seek to take a more expansive approach, including provisions that seek to govern an elected official's behaviour and that of Local Boards, in their daily activities.

Currently, the City of Sault Ste. Marie has a Code of Conduct for its employees. The Municipal Conflict of Interest Act, and Procedure By-law 99-100 govern various aspects concerning the conduct of elected officials.

CODE OF CONDUCT

A code of conduct is established to set the minimum standards for behaviour of Members of Council and Local Boards directly appointed by Council in carrying out their municipal roles and functions. A code of conduct is written to protect the public interest and encourage high ethical standards.

APPLICATION OF THE CODE OF CONDUCT

This code of conduct will apply to all members of Council and to members of boards and committees appointed by Council (hereafter called Local Boards).

This committee recommends six elements in the Sault Ste. Marie City Council Code of Conduct.

SIX ELEMENTS OF SAULT STE. MARIE CITY COUNCIL CODE OF CONDUCT

- General Integrity
- Confidential Information
- Use of Municipal Property
- Conduct at Council/Local Board meetings
- Incompatible Activity
- Conduct respecting staff

- **GENERAL INTEGRITY**

As stated in the Oath of Office for City Council, every member of Council or a Local Board should endeavor to perform their official duties with integrity, and serve their constituents in a conscientious and diligent manner, in accordance with the declaration of office as follows:

- to truly, faithfully and impartially exercise this office to the best of my knowledge and ability.
- to 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.
- to disclose any pecuniary interest, direct or indirect, in accordance with the Municipal Conflict of Interest Act.
- to be faithful and bear true allegiance to her Majesty Queen Elizabeth the Second.

- **CONFIDENTIAL INFORMATION**

- It is the responsibility of members to ensure that confidential information is kept strictly confidential and not released without the approval of Council or Local Board.
- Members shall not directly or indirectly, release, make public or divulge any information related to closed (caucus) deliberations of Council or a Local Board unless expressly authorized by Council or the Local Board.
- 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 under the *Municipal Freedom of Information and Protections of Privacy Act*, or other legislation.

- **USE OF MUNICIPAL PROPERTY**

- Municipal property, including equipment, supplies or services, shall not be used other than for purposes connected with the discharge of Council or Local Board duties.
- Members should not obtain financial gain from the use or sale of City-developed intellectual property, computer programs, technological innovations, or other patent, trademark, copyright held by the City.

- **CONDUCT AT COUNCIL/LOCAL BOARD MEETINGS**

Members shall conduct themselves with decorum at meetings in accordance with the provisions of Procedure By-law 99-100. Members of Local Boards are to follow the same standard.

- **INCOMPATIBLE ACTIVITY**

Members should refrain from the following during their term of office:

- The use of any influence of office for any purpose other than official duties;
- Acting as an agent before Council or any committee or board of Council;
- Soliciting, demanding or accepting the services, without remuneration, of any corporation, employee, or individual providing services to the municipality at a time in which said person or corporation is being paid by the municipality;

- Placing themselves in a position of obligation to any person or organization which might benefit from special consideration or that may seek preferential treatment.

- **CONDUCT RESPECTING STAFF**

Members should be respectful of the fact that staff work for the City and make recommendations based on professional expertise and corporate perspective, without undue influence from individual members or a group of members of Council or a Local Board.

- Members should not maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff;
- Members should not compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities;
- Members should not use or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering in the staff 's duties.

ENFORCING THE CODE OF CONDUCT

- Protocol for dealing with inquiries regarding potential Code of Conduct violations:
 1. An allegation must be made in writing, dated and signed using the Formal Complaint Form by the member making it.
 2. An allegation must contain all of the facts available at the time it is made, including the name of the alleged offender, how the member became aware of the misconduct, the nature of the misconduct, names of witnesses, and the date, time and location of the alleged misconduct.
 3. The written allegation of misconduct must be delivered to the City Clerk who then provides a copy to the Head of Council and to each member of Council and to each member of the Local Board if the allegation is concerning a member of a Local Board. The alleged offender must be given a copy of the written allegation and given an opportunity to respond to the allegation in writing to the Head of Council within 7 days. Any such response must also be provided to each member of Council or Local Board.
 4. The Head of Council shall deal with the allegation within 21 days after receiving it and shall recommend in writing to City Council at the following regular Council meeting, any penalty to be applied. If the allegation is concerning the Head of Council, the allegation shall be dealt with by the Acting Mayor.
 5. If the member who made the allegation or the alleged offender is not satisfied with the recommendation from the Head of Council, he or she will be permitted the opportunity to address Council at the same meeting that the Head of Council's recommendation is being considered. Council may either accept the recommendation from the Head of Council or impose its own penalty.

PENALTIES FOR CODE OF CONDUCT VIOLATIONS:

1. a written reprimand
2. prohibit from use of Councillor's lounge room
3. financial (Council or Local Board honorarium hold-back) – related to the severity of the action
4. removal of Council appointee from the Local Board