

TOPIC:	Council Code of Conduct
POLICY No:	01-0530-B
APPROVED BY:	Council
DATE:	May 18, 2021
AMENDED:	

PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the conduct of Council members in fulfilling their obligations and carrying out their duties.

This Code applies to all members of Town Council.

GUIDING PRINCIPLES

Integrity

Council is the keeper of the public trust and must uphold the highest standards of ethical behaviour. Council members are expected to:

- make decisions that benefit the community;
- act lawfully and within the authorities of the *Community Charter, Local Government Act* and other applicable enactments;
- be truthful, honest, and open in all dealings with other Council members, staff and the public; and
- direct their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration of the consequences of those decisions.

Accountability

Council is obligated to answer for the responsibility that has been entrusted to it. Council members are accountable for:

- the decisions they make, their own actions and the actions of the collective Council;
- ensuring they carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions; and
- considering the opinions and needs of the community, allowing for appropriate opportunities for feedback.

Respect

Council must conduct public business efficiently and with decorum. Council members must:

- treat every person with dignity, understanding and respect;
- show consideration for every person's values, beliefs, and contributions to discussions; and
- demonstrate awareness of their own conduct and consider how their behaviour may be perceived.

Leadership and Collaboration

Council must exhibit and promote the guiding principles of the Council Code of Conduct through its decisions, actions and behaviour. Council members will demonstrate collaboration and leadership through:

- behaving in a manner that builds public trust and confidence in the local government;
- considering the issues before them and making decisions as a collective body by actively participating in debate about the merits of a decision, but once the decision has been made, all Council members will recognize the democratic majority;
- recognizing debate is an essential part of the democratic process and encourage constructive discourse while empowering other Council members to provide their perspectives on relevant issues;
- calmly facing challenges and providing considered direction on issues they face as part of their roles and responsibilities; and
- respecting the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with other Council members, staff and the public.

STANDARDS OF CONDUCT**1. Act in the Public Interest**

Council members shall act in the public interest by conducting Council business with integrity.

2. Comply with the Laws

Council members shall comply with all applicable federal, provincial, and municipal laws in the performance of their public duties, including but not limited to: *the Local Government Act, the Community Charter, the Freedom of Information and Protection of Privacy Act, the Financial Disclosure Act*, and all applicable Town bylaws and policies.

3. Conduct of Council

The conduct of Council members in the performance of their duties and responsibilities with the Town will adhere to the guiding principles of the Council Code of Conduct.

4. Respect for Process

Council members shall perform their duties in accordance with the policies, procedures and rules of order established by the Town Council.

5. Conduct of Meetings

Council members shall prepare themselves for meetings, listen courteously and attentively to all discussions before the body, and focus on the business at hand. Council members shall not interrupt other speakers, make personal comments not germane to the business of the body, or otherwise interfere with the orderly conduct of a meeting.

6. Decisions Based on Merit

Council members shall base their decisions on the relevant merits and substance of the matter presented, including input received from Town staff and the public.

7. Sharing Substantive Information

Subject to paragraph 10, Council members shall share with Council substantive information that is relevant to a matter under consideration by the Council, which they may have received from sources outside of the public decision-making process. If a Council member has a concern regarding whether the information received should be shared, the Council member shall first consult with the Chief Administrative Officer or Manager of Corporate Services.

8. Conflict of Interest

Council members shall familiarize themselves and act in accordance with the provisions set out in the conflict of interest sections of the *Community Charter*. Council members are expected to make decisions that benefit the community. They are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or business interests.

Council members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their duties in accordance with statutory requirements of the *Community Charter*.

9. Gifts

Council members must not directly or indirectly, accept a fee, gift or personal benefit connected with the Council member's performance of their duties, except in accordance with the provisions of the *Community Charter*.

10. Confidential Information

Council members shall respect the confidentiality of information concerning the property, personnel, legal affairs, or other information of the Town distributed for the purposes of, or considered in, a closed Council meeting. Council members shall neither disclose confidential information without proper authorization, nor use such information to advance their own or anyone's personal, financial or other private interests. Without limiting the generality of the foregoing, Council members shall not disclose Council resolutions or staff report contents from a closed meeting of Council unless and until a Council decision has been made for the information to become public, and shall not disclose detail on Council's closed meeting deliberations or how individual Council members voted on a question in a closed meeting.

11. Council Use of Social Media

11.1. It is not the role of individual Council members to report directly on Town-related business. Council members will use caution in reporting decision-making by way of their social media profiles and websites prior to official communication by the Town.

11.2. Council members will include an "in my opinion", or similar disclaimer, either within the banner of their individual social media site(s) or separately when making follow up posts to the Town's social media postings and when creating original posts pertaining to Town-related business.

11.3. Council members shall take steps to remove from their social media account any publication by another person of content that violates this policy.

11.4. Council members will refrain from using or permitting use of their social media accounts for purposes that include:

- defamatory remarks, obscenities, profane language or sexual content;
- negative statements disparaging staff or calling into question the professional capabilities of staff;
- content that endorses, promotes, or perpetuates discrimination or mistreatment on the basis of race, religion or belief, age, gender, marital status, national origin, physical or mental disability or sexual orientation;
- statements that indicate an actual attitudinal bias in relation to a matter that is to be the subject of a statutory or other public hearing;
- promotion of illegal activity; and
- information that may compromise the safety or security of the public or public systems.

12. Interactions with the Public and the Media

- 12.1. The Mayor is the official Council media spokesperson. The Mayor may designate an alternate spokesperson on a case-by-case basis.
- 12.2. Council members will accurately communicate the decisions of the Council, even if they disagree with the majority decision of Council, and by so doing affirm the respect for and integrity in the decision-making processes of Council.
- 12.3. When discussing the fact that he/she/they did not support a decision, or voted against the decision, or that another Council member did not support a decision or voted against a decision, the Council member will refrain from making disparaging comments about other Council members or about Council's processes and decisions.
- 12.4. Nothing in this Policy is intended to affect the rights under the *Charter of Rights and Freedoms*.

13. Advocacy

Council members shall represent the official policies or positions of the Town Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Council members shall explicitly state they do not represent Council or the Town, nor shall they allow the inference that they do.

14. Policy Role of Council

Council members shall respect and adhere to the Council-Chief Administrative Officer structure of municipal government as practiced in the Town. In this structure, Council determines the policies of the Town with the advice, information and analysis provided by Town staff and Council committees. Council members therefore shall not interfere with the administrative functions of the Town or with the professional duties of Town staff, nor shall they impair the ability of staff to implement Council policy decisions.

15. Council Questions/Inquiries to Town Staff

Council requests for information from staff shall be directed to the Chief Administrative Officer, a Director, or the Manager of Corporate Services. If the response is related to a current agenda item, the response shall be given at the Council meeting at which the subject is scheduled to be discussed. If the request is not related to a current agenda item, then the response shall be provided to all of Council so that all Council members have access to the same information.

16. Implementation

This Council Code of Conduct is intended to be self-enforcing. This Code therefore becomes most effective when Council members are thoroughly familiar with it and embrace its provisions. For this reason, this Code shall be provided as information to candidates for Council. Council members elected to Council shall be requested to sign a statement affirming they have read and understand this Code, and that they agree to conduct themselves in accordance with it (Appendix A).

17. Compliance and Enforcement

This Code expresses standards of ethical conduct expected for Members of Council. Council members themselves have the primary responsibility to assure that these ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of the governance of the Town.

The Town will not retaliate against a Council member or Town staff who, in good faith, report a known or suspected violation of this Code. No reprisals or threat of reprisals shall be made against such a complainant, or against anyone for providing relevant information in connection with a suspected violation of this Code. Council members shall respect the integrity of this Code and the enforcement of it.

Town Council may impose sanctions on Council members whose conduct does not comply with this Code, including but not limited to a motion of censure.

To ensure procedural fairness, a Council member who is accused of violating any provision of this Code shall have a minimum of two weeks, or the time between two consecutive Council meetings, whichever is greater, to prepare his/her/their response to these allegations. Specifically, before considering a sanction, Council must ensure that a Council member is provided with:

1. a copy of a written report setting out the alleged breach of this Code, and possible sanctions that may be considered against him/her/them;
2. a minimum of two weeks, or the time between two consecutive meetings, whichever is greater, to prepare a response against any allegations and possible sanctions; and
3. an opportunity to make representations and be heard by Council.

A violation of this Code shall not be considered a basis for challenging the validity of a Council decision.

ATTACHMENT A

COUNCIL CODE OF CONDUCT

The public expects a responsive local government with the highest standards of professional conduct from those elected to it. The residents of the Town of Ladysmith are entitled to have a fair, ethical and accountable municipal Council that has earned the public's full confidence for integrity. It is an honour and a privilege to serve the public.

As local elected representatives, we recognize that responsible conduct is essential to providing good governance for the Town of Ladysmith. We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, and leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being active participants in ensuring that these foundational principles, and the standards set out in the Code of Conduct, are followed in all of our dealings with other elected officials, staff, and the public.

Our signatures below are evidence of our individual commitments to abide by the spirit and letter of the Code of Conduct.

Signed at the Town of Ladysmith, this 18 day of MAY, 2021


Mayor Aaron Stone


Councillor Amanda Jacobson


Councillor Tricia McKay


Councillor Marsh Stevens


Councillor Rob Johnson


Councillor Duck Paterson


Councillor Jeff Virtanen