

THE REGIONAL MUNICIPALITY OF YORK

CODE OF CONDUCT FOR COUNCIL MEMBERS

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A. Purpose

Members of York Regional Council (Members) recognize their obligation to serve their constituents and the public in a conscientious and diligent manner understanding that as leaders of the community, they are held to a high standard of behaviour and conduct. Upon obtaining office, each Member is required to take a declaration where they solemnly promise to:

- Truly, faithfully and impartially exercise the office to the best of their knowledge and ability
- That they have not received and will not receive any payment or reward, or promise thereof, for the exercise of the office in a biased, corrupt or in any other improper manner
- Disclose any pecuniary interest, direct or indirect, in accordance with the Municipal Conflict of Interest Act

This Code of Conduct ensures that all Members share a common basis and understanding for acceptable conduct, in concert with the standards of behaviour set out in the Declaration of Office. The Code is consistent with the principles of transparent and accountable government, and reflective of the Region's core values of Integrity, Commitment, Accountability, Respect and Excellence.

B. Framework and Interpretation

B.1 Application of the Code

This Code of Conduct applies to all Members of Regional Council acting in their 'Official Capacity'. This includes, but is not limited to, the conduct of Members in the following circumstances:

- While on Regional property
- When interacting with another Member of Regional Council, York Regional staff and/or agent
- In relation to matters immediately before and/or solely within the purview of York Regional Council
- In relation to services provided by York Region
- During a York Regional event and/or function
- While serving on any Board, Committee or other body to which the Member was appointed by Regional Council

In this context, 'Official Capacity' as a Member of Regional Council expressly does not relate to the Regional Council Member's conduct in the following situations:

- While executing their duties as a member of council for a local municipality
- In relation to business that is before the local council and/or within the purview of a local municipality
- When solely representing the council of a municipality other than York Region

B.2 Managing Jurisdictional Issues

Should an issue arise where it may be unclear whether a complaint falls within the mandate of the Region or the local municipality, both the Regional and local Integrity Commissioners will work together to develop a process to resolve the matter and report the findings to the appropriate council(s). In such instances, consideration should be given to the following:

- The municipality in which the complaint was filed
- The municipality in which the expense/mileage claim was submitted for the event or function
- The reasonableness for that municipality's Integrity Commissioner to undertake the investigation

B.3 Acting on Advice of Integrity Commissioner

Any written advice given by the Integrity Commissioner to a Member binds the Integrity Commissioner in any subsequent consideration of the conduct of the Member in the same matter, as long as all the relevant facts were disclosed to the Integrity Commissioner, and the Member adhered to the advice given.

C. Definitions

Committee: Any advisory or other committee, subcommittee or similar entity, of which at least 50 percent of the members are also Members of Regional Council, and includes the Committee of the Whole, a Standing Committee, a Special Committee or a Task Force.

Complaint: Any alleged contravention of the Code, whether made through an informal complaint process or through the filing of a formal written complaint.

Complainant: A person who has either made an informal complaint or who has filed formal complaint in accordance with the procedures set out in this Code.

Council: York Regional Council.

Integrity Commissioner: A neutral officer or corporation appointed pursuant to Section 223.3 of the Municipal Act, 2001.

Member: A Member of York Regional Council.

Region: The Regional Municipality of York.

Regional Property: includes, but is not limited to, all real and personal property, facilities, vehicles, equipment, supplies, services, staff, documents, intellectual property, computer programs or technological innovations belonging to the Region.

Staff: includes the Chief Administrative Officer, Commissioners, Directors, Managers, Supervisors and all non-union and union staff whether full-time, part-time, contract, seasonal or volunteers.

D. Guiding 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 that promotes public confidence and will bear public scrutiny
- Members shall always act and are expected to perform their functions with integrity, accountability and transparency
- Members will observe and comply with the laws of Canada, Ontario and the laws and policies adopted by Regional Council, including but not limited to the following:
 - Municipal Act, 2001
 - Municipal Conflict of Interest Act
 - Municipal Elections Act, 1996
 - Municipal Freedom of Information and Protection of Privacy Act
 - Ontario Human Rights Code
 - Ontario Occupational Health and Safety Act
 - Criminal Code of Canada
- Members will seek to advance the public interest with honesty and refrain from making statements known to be false or with the intent to mislead Council, staff or the public

D.1 Member Conduct

Members are expected to conduct themselves with appropriate decorum at all times and ensure that their behaviour does not bring the reputation of the Region into disrepute.

Members shall endeavour to conduct and convey Council business and all their duties in an open and transparent manner (other than for those decisions which by virtue of legislation are authorized to be dealt with in a confidential manner in closed session), and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.

Members will refrain from making disparaging comments or unfounded and speculative accusations about the motives of another Member, staff or the public.

D.2 Conduct Respecting Staff

Council as a whole approves budget, policy and governance of the Region through its bylaws and resolutions. Individual Members do not direct or oversee the functions of the administration or staff of the Region or a Committee.

Members shall respect the role of staff in the administration of the business affairs of the Region. Members shall respect that:

- a) Staff provide advice and make policy recommendations in accordance with their professional ethics, expertise and obligations and that Members must not falsely or maliciously injure the reputation of staff members whether professional or ethical or otherwise.
- b) Under the direction of the Chief Administrative Officer (CAO), staff serves Regional Council as a whole, and the combined interests of all members as evidenced through the decisions of Council. Members must not make requests or statements or take actions which may be construed as an attempt to influence the independent administration of Regional business. Members shall not attempt to intimidate, threaten, or influence any staff member from carrying out that person's duties, including any duty to disclose improper activity.
- c) Staff carry out their duties based on political neutrality and without undue influence from any individual Member and, therefore, Members must not invite or pressure any member of staff to engage in partisan political activities or be subjected to discrimination or reprisal for refusing to engage in such activities.

D.3 Use of Regional Resources

Council is the custodian of the Region's assets. The community places its trust in Council and those it appoints to make decisions for the public good in relation to these assets.

By virtue of their office or appointment, Members must not use or permit the use of Regional lands, facilities, equipment, supplies, services, staff or other resources for activities other than the Region's business.

No Member shall seek financial gain for themselves, family or friends from the use or sale of Regionally-owned intellectual property, computer programs, technological innovations, or other patent, trademarks or copyright held by the Region.

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

D.4 Gifts and Benefits

Members are not permitted to accept any Gifts that are not listed in this Code connected directly or indirectly with the performance of their duties. Members are permitted to accept Gifts that meet the following criteria, subject to the reporting requirements outlined herein:

- a) Where authorized by law
- b) Would normally accompany the responsibilities of a political office and are received as an incident of protocol or social obligation
- c) Political contributions reported in accordance with applicable law;
- d) Services provided without compensation by persons volunteering their time to a Member
- e) Suitable mementos from a function honouring the Member
- f) Food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity at an official event
- 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
 - ii. The value and venue location are reasonable
 - iii. The person extending the invitation or a representative of the organization is in attendance
- h) Business meals that serve a legitimate public duty purpose
- i) Communications to the offices of a Member, including subscriptions to newspapers and periodicals related to the duties of Office

- j) Sponsorships and donations for community events or initiatives organized or run by a Member, or a third party on behalf of a Member, where Council has authorized or endorsed the event or initiative

Prior to receiving a gift, a member may consult with the Integrity Commissioner to assist in determining whether it falls within the provisions of the Code.

Members will maintain a list of all Gifts received in a calendar year, where the value of a single Gift, or the cumulative value of Gifts from a single source, exceeds \$750. This list shall include: the nature of the gift; its source and date of receipt; the circumstances under which it was received; and its estimated value. Gifts described in clause (g) are exempt from the reporting requirement.

Members will not accept Gifts that would, to a reasonable member of the public, appear to be in gratitude or compensation for exerting their influence, to induce the Member to exercise their influence, or otherwise to go beyond necessary and appropriate public actions.

The Integrity Commissioner may call upon a Member to justify receipt of any Gift. Should the Integrity Commissioner determine the receipt of the Gift was inappropriate, the Integrity Commissioner may direct the Member to return the gift, reimburse the donor for the value of the gift or benefit already consumed, or the member may be ordered to forfeit the gift or remit the value of a benefit already consumed to the Region. Any such direction ordered by the Integrity Commissioner shall be a matter of public record.

D.5 Confidentiality

Members receive confidential information from a number of sources as part of their work. This includes information the Region receives in confidence that falls under the privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and other applicable privacy laws and information received during closed meetings of Council, one of its Boards or Committees.

No Member shall disclose the content of any such matter, or the substance of deliberations, of a closed meeting and the Member has a duty to hold information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. Members 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 as required by law.

Members must not disclose, use or release information in contravention of applicable privacy laws. Members are only entitled to information in the possession of the Region that is relevant to matters before the Council, a Committee or a Board.

D.6 Respectful Workplace

York Region is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization, and meeting its obligations under *the Ontario Human Rights Code* and *the Ontario Occupational Health and Safety Act*. It is York Region's goal to provide a healthy, safe, and respectful work environment that is free of any form of harassment or discrimination.

All Members have a duty to treat members of the public, one another and staff with respect and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination, harassment and violence.

In carrying out their affairs, all Members will comply with the Region's Workplace Harassment and Discrimination Policy as well as the Preventing and Managing Violence in the Workplace Policy.

D.7 Improper Use of Influence

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

Members should not use the status of their position to influence the decision of another person to the private advantage or non-pecuniary interest of themselves, their parents, children or grandchildren, spouse, or friends or associates, or for the purpose of creating a disadvantage to another person.

D.8 Conflicts of Interest

Members shall take appropriate steps to avoid conflicts of interest, both apparent and real. Members are bound by the provisions of the *Municipal Conflict of Interest Act*.

Proactive steps to mitigate conflict of interest are important to maintaining public confidence in elected officials. To this, Members may seek guidance from the Integrity Commissioner if they suspect that they may have a conflict between their responsibilities to the public as a Member of Regional Council and any other interest.

When a Member discloses a pecuniary interest, they must file a written statement outlining that interest at the meeting or as soon as possible afterwards. The Region is required to establish and maintain a registry of statements and declarations of interests, which shall be available for public inspection.

D.9 Election Activity

Members of Council are required to conduct themselves in accordance with the Municipal Elections Act, 1996, as may be amended from time to time, and any Region policies.

The use of Regional resources, both property and staff time, for any election-related activity is strictly prohibited. Election-related activity applies to the Member's campaign and any other election campaigns for municipal, provincial or federal office.

No Members shall use the services of persons for campaign related activities during hours in which those persons receive any compensation from the Region.

D.10 Compliance

It is a violation of the Code to obstruct the Integrity Commissioner in the Carrying out of his/ her responsibilities.

No Member shall threaten or undertake any active reprisal against a person initiating an inquiry or complaint under the Code, or against a person who provides information to the Integrity Commissioner in any investigation.

It is a violation of the Code to destroy documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a formal complaint has been lodged under the Code.

E. Complaint Protocol

E.1 Informal Complaint Procedure

Any person or representative of an organization who has identified or witnessed behaviour or an activity by a Member of Council that they believe is in contravention of the Code may wish to address the prohibited behaviour or activity themselves as follows:

1. Advise the member that the behaviour or activity contravenes the Code
2. Encourage the member to stop the prohibited behaviour or activity
3. Keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information
4. If applicable, confirm to the member your satisfaction with the response of the member; or, if applicable, advise the member of your dissatisfaction with the response
5. Consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part E.2, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure

All persons and organizations are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code.

With the consent of the complaining individual or organization and the member, the Integrity Commissioner may be part of any informal process. However, it is not a precondition or a prerequisite that those complaining must first pursue the informal complaint procedure before pursuing the Formal Complaint Procedure in Part E.2.

E.2 Formal Complaint Procedure

E.2.1 Initial Complaint

1. A request for an investigation of a complaint that a member has contravened the Code (the “complaint”) shall be sent directly to the Integrity Commissioner by email substantially in the form attached as Schedule “A”.
2. All complaints shall be submitted by an identifiable individual (which includes the authorized signing officer of an organization).
3. A complaint shall set out reasonable and probable grounds for the allegation that the member has contravened the Code. The complaint should include the name of the member, the provision of the Code allegedly contravened, facts constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during normal business hours.
4. Election Blackout Period: No investigation shall be commenced or continued, nor shall the Integrity Commissioner report to Council respecting an investigation, within the election period described within s.223.4 and 223.4.1 of the Municipal Act, except as described in those sections.

E.2.2 Classification by Integrity Commissioner

1. Upon receipt of the request, the Integrity Commissioner shall make an initial classification to determine if the matter is, on its face, a Regional and not a local complaint, a complaint with respect to non-compliance with the Code and not covered by other legislation, a complaint with respect to the Municipal Conflict of Interest Act or other relevant Council policies.
2. If the complaint, on its face, is not a complaint with respect to non-compliance with the Code or another Council policy governing ethical behaviour or the Municipal Conflict of Interest Act, or if the complaint is covered by other legislation, the Integrity Commissioner shall advise the complainant in writing as follows:
 - a) If the complaint on its face is an allegation of a criminal nature consistent with the Criminal Code of Canada, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police force.

- b) If the complaint on its face is with respect to non-compliance with the Municipal Freedom of Information and Protection of Privacy Act, the complainant shall be advised that the matter will be referred for review to the Regional Clerk.
 - c) The complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate. The Integrity Commissioner may proceed with that part of the complaint that is within jurisdiction.
3. The Integrity Commissioner may assist the complainant in restating, narrowing or clarifying the complaint so that the public interest will be best served were the complaint to be pursued.
4. The Integrity Commissioner may report to Council that a specific complaint is not within the jurisdiction of the Integrity Commissioner.
5. The Integrity Commissioner shall report annually to Council on complaints not within the jurisdiction of the Integrity Commissioner, but, where possible, shall not disclose information that could identify a person concerned.

E.2.3 Investigation

1. The Integrity Commissioner is responsible for performing the duties set out in this Protocol independently and shall report directly to Council in respect of all such matters. In applying this Protocol, the Integrity Commissioner shall retain the discretion to conduct investigations applying the principles of procedural fairness, and any deviation from the provisions of this Protocol for that purpose shall not invalidate the investigation or result in the Integrity Commissioner losing jurisdiction.
2. If the Integrity Commissioner is of the opinion that a complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, or that the pursuit of the investigation would not, in the opinion of the Integrity Commissioner be in the public interest, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.
3. The Integrity Commissioner shall file an annual report to Regional Council respecting the advice, education and investigations carried out in the previous year, and developments or recommendations of significance related to the role of the Integrity Commissioner. Other than in exceptional circumstances, the Integrity Commissioner will not report to Council on any complaint described in subsection (2) except as part of an annual or other periodic report.
4. Where the Integrity Commissioner rejects or terminates an investigation pursuant to this section, reasons shall be provided.

E.2.4 Deemed to be Within Jurisdiction

1. If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under Section E.2.3, the Commissioner shall investigate and may attempt to settle the complaint.
2. The Integrity Commissioner may in exceptional circumstances elect to exercise the powers of a Commission under Parts I and II of the Public Inquiries Act, as contemplated by Subsection 223.4(2) of the Act.
3. If the Integrity Commissioner elects to conduct an inquiry under the Public Inquiries Act, he/she shall report to Council before proceeding, setting out the reasons for the investigation, and providing an estimate of the expected cost and time that the investigation will require, and providing an opportunity for Council to respond to the reasonableness of the expenditure of public funds for the purpose of such Commission.
4. When the Public Inquiries Act applies to an investigation of a complaint, the Integrity Commissioner shall comply with the procedures specified in that Act and this Complaint Protocol, but, if there is a conflict between a provision of the Complaint Protocol and a provision of the Public Inquiries Act, the provision of the Public Inquiries Act prevails.

E.2.5 Process for Inquiry

1. The Integrity Commissioner will proceed as follows, except where otherwise required by the Public Inquiries Act and/or in the context of a particular situation, the principles of procedural fairness:
 - a) Provide the complaint and supporting material to the member whose conduct is in question and provide the member with a reasonable opportunity to respond.
2. Except where the Integrity Commissioner determines that it is not in the public interest to do so, the name of the complainant shall be provided as part of the complaint documents.
3. If necessary, after reviewing the written materials, the Integrity Commissioner may speak to anyone relevant to the complaint, access and examine any of the information described in subsections 223.4(3) and (4) of the Municipal Act, and may enter any Regional work location relevant to the complaint for the purposes of investigation and settlement.
4. The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any member unless the member has had reasonable notice of the basis for and an opportunity to comment on the proposed findings.

5. The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction or retaliation encountered during the investigation.

E.2.6 Integrity Commissioner Report

1. The Integrity Commissioner shall report to the complainant and the member generally no later than 90 days after the making of the complaint.
2. Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also report to Council outlining the findings, the terms of any settlement, or recommended corrective action.
3. Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council except as part of an annual or other periodic report.
4. Any recommended corrective action must be permitted in law and shall be designed to ensure that the inappropriate behaviour or activity does not continue.
5. If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.
6. The Regional Clerk shall process the report for the next meeting of Council.

E.2.7 Council Review

1. Council shall consider and respond to the report within 90 days after the day the report is laid before it.
2. In responding to the report, Council may vary a recommendation that imposes a penalty, subject to Section 223.4, subsection (5) of the Municipal Act, but shall not refer the recommendation other than back to the Integrity Commissioner.
3. Council can terminate the Integrity Commissioner only by a two-thirds vote of all members.
4. Upon receipt of recommendations from the Integrity Commissioner, Council may, in circumstances where the Integrity Commissioner has determined there has been a violation of the Code of Conduct, impose either of two penalties:

- a) A reprimand, or
- b) Suspension of the remuneration paid to the Member in respect of his/her services as a Member of Council or a local board, as the case may be, for a period of up to 90 days,

and may also take the following actions:

- c) Removal from membership of a committee
- d) Removal as chair of a committee
- e) Repayment or reimbursement of monies received
- f) Return of property or reimbursement of its value

E.2.8 Confidentiality

1. A complaint will be processed in compliance with the confidentiality requirements in sections 223.5 and 223.6 of the Municipal Act, which are summarized in the following subsections.
2. The Integrity Commissioner and every person acting under her or his instructions shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of any investigation except as required by law in a criminal proceeding.
3. All reports from the Integrity Commissioner to Council will be made available to the public.
4. Any references by the Integrity Commissioner in an annual or other periodic report to a complaint or an investigation shall not disclose confidential information that could identify a person concerned.
5. The Integrity Commissioner in a report to Council on whether a member has violated the Code of Conduct shall only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.

Schedule "A" Complaint Form

I _____ hereby request the Integrity Commissioner for The Regional Municipality of York to conduct an inquiry about whether or not the following member(s) of The Council of the Regional Municipality of York has contravened the Council Code of Conduct or the Municipal Conflict of Interest Act:

I have reasonable and probable grounds to believe that the above member(s) has contravened the Council Code of Conduct and/or the Municipal Conflict of Interest Act by reason of the following (please include date, time and location of conduct, the Rules contravened, and particulars, including names of all persons involved, and of all witnesses, and information as to how they can be reached (attach additional pages as needed):

I hereby request the Integrity Commissioner to conduct an inquiry with respect to the above conduct. Attached are copies of documents and records relevant to the requested inquiry.

Name: _____

Address: _____

Email: _____

Phone: _____

Signature: _____

Email completed Complaint to Principles Integrity at: postoffice@principlesintegrity.org