



TOWN OF SMITHS FALLS MAYOR AND COUNCILLOR'S CODE OF CONDUCT

SCHEDULE 'A' TO BY-LAW 7809-2004
AMENDED BY BY-LAW: NIL

(Confidentiality, Council and Staff – Roles and Responsibilities)

Pursuant to Section 8, 9 and 238 of the Municipal Act, SO 2001, which provides municipalities with the authority to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues, the Corporation of the Town of Smiths Falls passed By-law 7809-2004 on March 1st, 2004 which adopted this document, being the "Town of Smiths Falls – Mayor and Councillor's Code of Conduct".

Pursuant to By-law 7809-2004, this 'Code of Conduct' applies to and binds all members of municipal Council and must be acknowledged by signature by members of Council.

This document will better the Town's ability to govern the affairs of the Town of the Town of Smiths Falls.

DATE PRINTED/UPDATED: March 1, 2004

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SECTION 1
CONFIDENTIALITY

1. Council members shall keep confidential any information:
 - (a) disclosed or discussed at a meeting of Council, Committee of the Whole or Standing Committee, or part of a meeting of Council, Committee of the Whole or Standing Committee, that was closed to the public.
 - (b) that is circulated to members of Council that is marked confidential.

Any documentation marked confidential shall be kept securely until no longer required in the course of business and shall at that time be destroyed by the member of Council or returned to the office of the Clerk for destruction.

- (c) that is received in confidence verbally in preparation of the in-camera meeting.
2. Where an alleged contravention of this policy occurs, Council shall, upon request of any member of Council hold a special meeting of Committee of the Whole to determine if the council member has breached this policy. The meeting shall be closed to the public, unless otherwise determined by the majority of Councillors present at the meeting.
3. The party shall be given opportunity to address Council at the meeting and will be provided with sufficient time to explain the alleged breach of confidentiality. The Party shall be permitted to introduce other evidence including witnesses to support his or her position, and shall have the option of attending with legal counsel. Should the party have legal counsel, then the municipality would also have the right to legal representation.
4. Should Council determine that a member has potentially breached confidentiality, Council shall report in the rise and report that such a determination has been made, and shall, at a special open Council session called for that purpose, pass a Resolution that shall require the member to appear before an in-camera Committee of the Whole meeting to be reprimanded.

The reprimand shall be ratified by Resolution at a session of Council.

5. Should Council feel that a breach may have occurred, but is unable to make a determination, Council may pass a resolution requesting a judge of the Superior Court of Justice to conduct an investigation of the member's conduct under Section 274(1) of the Municipal Act. Should the Judge determine that a breach has occurred, the penalties for such breach shall be determined in accordance with this Policy.

6. Reprimands include, but are not limited to, removal from Committee assignments either permanently or for an interim period, barring the member from attendance at in-camera meetings either permanently or for an interim period, barring the member from being circulated/informed of confidential materials/matters, or demand of an apology.
7. The obligation to keep information confidential applies even if the member ceases to be a member of Council.

Signature of Member of Council

Acknowledgement of Code of Conduct Policies Regarding Confidentiality

Date of Signature

SECTION 2

COUNCIL & STAFF - ROLES & RESPONSIBILITIES

The role of Council and Staff is traditionally one of the first items to be clarified for a new Council. Clearly defined roles, distinguishing between the concepts of “governance” and “management”, are critical to the success of a municipality. It should be reinforced at the outset that Council sets the policy for the community; it does not participate in the daily operations of the municipality.

Legislated Responsibilities - Municipal Act, 2001

It is the role of Council,

- a) to represent the public and to consider the well-being and interests of the community;
- b) to develop and evaluate the policies and programs of the municipality;
- c) to determine which services the municipality provides;
- d) to ensure that administrative practices and procedures are in place to implement the decisions of Council;
- e) to maintain the financial integrity of the municipality; and
- f) to carry out the duties of Council under this and any other Act.

It is the role of the Head of Council,

- a) to act as the Chief Executive Officer of the municipality;
- b) to preside over Council meetings;
- c) to provide leadership to the Council;
- d) to represent the municipality at official functions, and
- e) to carry out the duties of the head of Council under this or any other Act.

It is the role of officers and employees of the municipality,

- a) to implement Council’s decisions and establish administrative practices and procedures to carry out Council’s decisions;
- b) to undertake research and provide advice to Council on the policies and programs of the municipality; and
- c) to carry out other duties required under this and any other Act and other duties assigned by the municipality.

Practical Application

Over the past number of years the Town has worked diligently at creating a positive working relationship between Council and Staff. To a large degree this has been successful due to a mutual respect for each others roles and responsibilities.

Town Council acting as a body, can dictate that staff perform such duties as are necessary to the efficient management of the affairs of the community, and/or research such matters as the Council deems necessary. Individual Council members do not have authority to direct Directors or staff.

The Role of the Directors is to direct the day to day management of the municipality, and assign duties to the staff placed under their supervision. To encourage the efficient management of the community, individual Council members are requested to be cognizant of that fact and are advised of the following:

- a) Councillors will respect and adhere to the Policies set by Council, and will under no circumstances take it upon themselves, individually, to circumvent established Policies.
- b) Council, as a body, and as individuals, will liaise with the Directors only.
- c) The municipality has never had a practice of providing secretarial and/or research services for individual Councilors. Should information be required by individual Council members, a request should be made of the appropriate Director, who will then decide which staff member will obtain the data.

In the absence of the Director, due to illness, vacation or emergency, inquiries should be directed through the Administrative Assistants.

- d) Provincial downloading, and municipal downsizing, has resulted in each municipal staff person being asked to perform a substantial workload. When attending at Town Hall, Council members should respect the fact that these are busy people. Placing staff members in the awkward position of having to explain to their Director why they are not getting their assigned work done is not appropriate behavior for a Councillor. By taking up an inordinate amount of their time engaging in conversation is unfair to the employee. Ongoing e-mail, and/or frequent telephone chats are equally time consuming and will be discouraged as well.

RULES OF ETIQUETTE

Adhering to generally accepted Rules of Etiquette and the observation of common courtesy will go a long way toward fostering good working relations between Council and staff.

Meetings

- a) While the procedural by-law allows Council members to make up to three enquiries/announcements at a Committee/Council meeting, those Councillors wishing to make enquiries of the Directors at Council or Committee of the Whole should advise the Director(s) in advance of the meeting to allow the Director(s) to carry out the appropriate research if a response is expected at the meeting at which the Councillor's enquiry will be made.

- b) The Chairperson should never allow Councillor's or delegations at Council or Committee of the Whole to publicly criticize identifiable employees. It is the responsibility of the Chair to ensure that both parliamentary procedure and rules of etiquette are observed by those in attendance.
- c) Councillors may make reports in accordance with the procedural by-law, (which at this time says that any council member may make reports on status of any issue currently under consideration by a committee or task force that the member is appointed to).

When there is more than one Councillor on a board/committee, the Councillors will share the reporting in a fair and equitable manner.

Councillors may also report on departmental matters, which relate to their reporting assignment, as prepared/confirmed by the Directors.

Public Inquiries

- a) Members of Council who are approached by the public with inquiries/complaints regarding informational/procedural/process matters and/or issues should be advised to take the matter up with the appropriate Department for review/resolution.
- b) If a member of the public approaches a Councillor with an enquiry concerning policy issues decided by the Council, they should be requested to put the issue in writing to Council and forward it to the Clerk.

Signature of Member of Council

*Acknowledgement of Code of Conduct Policies
Regarding Council & Staff – Roles & Responsibilities*

Date of Signature