

**COUNCIL CODE OF CONDUCT C09-2010**

**CONSOLIDATION**

**This consolidation is for ease of reference only.**

**Date of Last Update: September 19, 2019**

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**Amendments:**

February 6, 2019 - CW023-2019 – Conflict of Interest – eff. March 1, 2019

February 6, 2019 – CW024-2019 – Council-Staff Relations – eff. March 1, 2019

September 18, 2019 – CW175-2019 – Acceptance of Gifts / Benefits / Hospitality – eff. September 18, 2019

February 20, 2019 – CW036-2019 – Integrity Commissioner; Compliant Procedure – eff. March 1, 2019

September 18, 2019 – CW175-2019 – Acceptance of Gifts, Hospitality and Benefits – eff. September 18, 2019

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**THE CORPORATION OF THE TOWNSHIP OF ESSA**  
**COUNCIL CODE OF CONDUCT**

<b>POLICY:</b> Council Code of Conduct	<b>COUNCIL APPROVAL</b>  DATE: 15 DECEMBER 2010 RES. NO: CW 234-2010
<b>POLICY NO:</b> C09-2010	<b>REVISION DATES:</b>  February 6 & February 20, 2019 RES. NOs: CW023-20019, CW024-2019, CW036-2019 September 18, 2019 RES. NO.: CW175-2019

**1. PREAMBLE:**

The Council of the Township of Essa is committed to achieving the highest standards of conduct which is essential to maintaining and ensuring public trust and confidence in the Township's planning, administration and operations. Members of Council of the Township of Essa will act in an accountable and responsible manner with integrity, transparency and fairness in its decision making processes.

**2. PURPOSE:**

The Township of Essa Council Code of Conduct has been developed to:

- Set out clear expectations of the conduct of members of Council;
- Provide information to the public as to the conduct they can expect from Council; and
- Provide guidance to members of Council in the execution of their duties as elected officials.
- Outline a process to be followed for the filing of a complaint in relation to an alleged breach in the Code of Conduct by a member of Council.

**3. APPLICATION:**

The Council Code of Conduct shall apply to all members of Council. It is the responsibility of all members of Council to be aware of and comply with the Code.

**4. POLICY STATEMENT/GUIDELINES:**

**4.1 Rationale and Legislative Authority**

This Code of Conduct operates along with and as a supplement to the existing statutes governing conduct. Five pieces of Federal and Provincial legislation govern the conduct of members of Council, those being:

- The *Criminal Code of Canada*;
- The *Municipal Conflict of Interest Act*, as amended;
- The *Municipal Elections Act*, 1996, as amended;
- The *Municipal Freedom of Information and Protection of Privacy Act*; and,
- The *Municipal Act*, 2001, as amended.

## 4.2 Specific Policy

### (a) Roles and Obligations

Council members recognize their mandate includes a duty to:

- Fairly represent the diversity of community views in developing an overall strategy for the future of the Township.
- Set objectives and determine strategies to achieve the goals of the Township Strategic Plan.
- Achieve sound financial management, planning and accountability.
- Be aware of and understand statutory obligations imposed on Council as a whole, as well as each individual member of Council.

### (b) Confidentiality

Authorized under Section 239 of the *Municipal Act, 2001*, where a matter discussed at an in-camera (closed) meeting remains confidential; no member shall disclose the content of that matter, or the substance of the deliberations of an in-camera meeting. Members shall not permit any persons, other than those who are entitled thereto, to have access to confidential information. Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required to do so by law.

Particular care should be exercised in ensuring the confidentiality of the following types of information:

- The security of the property of the municipality or local board;
- Personnel matters about an identifiable individual, including municipal employees;
- A proposed or pending acquisition or disposition of land by the municipality or local board;
- Labour relations or employee negotiations;
- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- Items under negotiation, or personnel matters;
- Information that infringes on the rights of others (e.g. sources of complaints where the identity of a complainant is given in confidence);
- Price schedules in contract tender or Request For Proposal submissions as specified;
- Information deemed to be "personal information" under the *Municipal Freedom of Information and Protection of Privacy Act*;
- Statistical data required by law not to be released (e.g. certain census or assessment data); and,
- Any and all statements that have been provided in confidence.

The list is provided as an example and is not exclusive. Requests for information will be referred to appropriate staff to be addressed as either an informal request for access to municipal records or as a formal request under the *Municipal Freedom of Information and Protection of Privacy Act*.

**(c) Conflict of Interest / Improper Use of Influence**

Members of Council will recognize their obligation to follow and respect the provisions of the *Municipal Conflict of Interest Act*. The onus is on the member of Council to disclose any possible conflicts of interests and to follow the "CONFLICT OF INTEREST" Procedure (C09-2010-C) as attached to this Policy as Appendix 1. Members of Council shall provide the Clerk with a completed "Disclosure of Pecuniary Interest Form" as attached to the Procedure set forth, and the municipality shall record the declaration of the conflict in the required registry.

No member shall use the influence of his/her office for any purpose other than for the exercise of his/her official duties. No member shall seek or obtain by reason of his/her office any personal privilege or private advantage with respect to Township services not otherwise available to the general public and not consequent to his/her official duties.

**(d) Council-Staff Relations**

Members of Council shall acknowledge and respect the fact that staff work for the Township as a corporate body and are responsible for making recommendations that reflect their professional expertise and corporate objective, without due influence from any individual member. Members shall respect the fact that staff carry out direction of Council as a whole and administer the policies of the Township.

In accordance with the "COUNCIL-STAFF RELATIONS" Policy (C011-2019), as passed by By-law No. 2019-10 and attached to this Policy as Appendix 2, members of Council shall refrain from publicly criticizing individual members of staff in a way that casts aspersions on their professional competence and credibility, and they shall refrain from using their position to improperly influence members of staff in their duties or function or to gain an advantage for themselves or others. It is expected that all members of Council shall comply with all provisions contained in the Council-Staff Relations Policy.

Members of Council shall use the following Administrative Protocols in accordance with section "G" of Council-Staff Relations Policy C11-2019:

1. All requests from Council for reports shall be introduced under "Other Business".
2. Members of Council are not to direct subordinate staff in a supervisory capacity. Staff are supervised and directed by their Department Manager and/or the Chief Administrative Officer.
3. Council members are to filter questions/concerns by email or telephone to the Chief Administrative and/or the Department Manager.

**(e) Conduct at Meetings**

During Council, Committee of the Whole or any other advisory committee meetings, or working group meetings, members shall conduct themselves with decorum and in accordance with the Township's Procedural By-Law. Respect for delegations and for fellow Council members and staff requires that all members show courtesy and not distract from the business of Council during presentations and when other members have the floor. In addition to this, meetings shall provide a platform for transparent and healthy debate among members.

**(f) Acceptance of Gifts / Benefits / Hospitality**

Council members shall comply with the *Municipal Conflict of Interest Act* and must not accept a gift or personal benefit that is connected with their performance of the duties of office. This does not include gifts, personal benefits or hospitality received as a matter of protocol or social obligations that normally accompany the responsibility of office.

Gifts, benefits and hospitality are often received by elected officials in the course of their duties, and attendance at public functions is expected and considered part of the role. Business-related entertainment and gift-giving can be a token of respect and admiration for the Member, but can also be seen as an instrument of influence and manipulation.

To ensure and foster a culture of impartiality, no Member shall directly or indirectly solicit any gift, or benefit or accept/receive a fee, advance, cash, gift or personal benefit which may be tied directly or indirectly to their position or the performance of their duties of office unless permitted by the exceptions listed below:

- i. Compensation or benefit authorized by law, Policy or by Council Resolution;
- ii. Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- iii. A political contribution otherwise authorized and reported by law, in the case of a member running for office;
- iv. Services provided without compensation by persons volunteering their time to a Member;
- v. A suitable memento of a function honoring the Member;
- vi. Sponsorships and donations for community events or initiatives organized or run by a Member or a third party on behalf of a Member;
- vii. Admission to a training or education program, including meals and refreshments furnished to all attendees, if such training or education is related to the Member's role;
- viii. Food, lodging, transportation and entertainment provided by federal, provincial or other local or regional governments or by a foreign event organizer where the Member is either speaking or attending in an official capacity at an official event;
- ix. Food and beverages consumed at banquets, conferences, seminars, training, receptions, or similar events, if:
  - a. Attendance serves a legitimate business purpose;
  - b. The person extending the invitation or a representative of the organization is in attendance; and
  - c. The value is reasonable and the invitation is infrequent;
- x. Business Meals

In the case of any of the recognized exceptions listed above under points ii, v, ix and x, if the value of the gift or hospitality exceeds \$75.00, or the total value of gifts or hospitality from one source exceeds \$150.00 per calendar year, the Member shall file (by March 31 for the previous year) a Disclosure Statement with the municipality (see Appendix A).

Except in the case of exceptions listed above under i, iii, and viii, no Member shall accept a gift, benefit or hospitality worth in excess of \$200.00, or gifts or hospitality from one source during a calendar year which together are worth in excess of \$300.00.

**(g) Expenses**

Members of Council shall comply with the provisions of the Township's applicable policies relative to per diem payments and expenses governing reimbursement for attendance at conferences, seminars, training courses and workshops.

**(h) Use of Township Property, Services & Other Resources**

Members shall not use any Township property, equipment, services, or supplies other than for purposes connected with the discharge of their official duties or associated community activities having the sanction of Council.

Members shall not obtain financial gain from the use of Township developed intellectual property, computer programs, technological innovation, or other kinds of property, while an elected official or thereafter. All such property remains the exclusive property of the Township.

**(i) Conduct of a Political Nature**

Members shall comply with the Township Policy C08-2010, Use of Corporate Resources during Elections. No member shall use Township facilities, services or property for his or her re-election campaign. Further, no member shall use the services of Township employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the Township.

**(j) Discreditable Conduct**

Members shall abide by the provisions of the Human Rights Code and, in doing so, shall treat every person with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination.

Harassment may be defined as any behaviour by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status or family status and other grounds under the provisions of the Ontario Human Rights Code.

Members shall comply with Township Policy HR08-01, Workplace Harassment and Discrimination Policy. Discrimination or harassment of another member, staff or any member of the public is misconduct. All persons shall be treated fairly in the workplace in an environment free of discrimination and or personal and harassment.

**(k) Public Input**

Council will periodically use formal and informal opportunities to seek public input as a component of the decision making process which have broad impacts on the community. The purpose of the exercise will be to provide stakeholders with a mechanism to provide opinions and advice so that the widest range of views and information is available before final decisions are made.

Council may, from time to time, establish committees to provide advice on specific issues. Such committees shall not be established without the sanction of Council.

**(I) Professional Development**

Members of Council have an obligation to promote, support, pursue and partake in opportunities for professional development.

**4.3 Limitation**

Nothing in this Policy shall preclude a member of Council from performing their job as Mayor, Deputy Mayor, or Councillor, nor inhibit them from representing the interests of the constituents who elected them.

**5. IMPLEMENTATION**

Council members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis or when so requested by Council.

**6. INTEGRITY COMMISSIONER**

The Township of Essa appointed an Integrity Commissioner in accordance with the mandated requirement set forth in the *Municipal Act, 2001*. The roles and responsibilities of the Integrity Commissioner are outlined in the appropriate By-law / Agreement and are in accordance with those mandated in Part V.1 of the *Municipal Act, 2001*.

**6.1 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 relevant facts were disclosed to the Integrity Commissioner, and the member adhered to the advice given by the Integrity Commissioner.

**6.2 Reprisals and Obstruction**

It is a violation of the Code of Conduct 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 of Conduct, or against any person who provides information to the Integrity Commissioner in any investigation.


It is a violation of the Council Code of Conduct 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 of Conduct.

**7. COMPLAINTS**

Council shall be aware that, where an allegation of a perceived breach in the Council Code of Conduct has occurred, the complainant can file a complaint outlining the alleged breach either informally or formally, as the case may be, in accordance with the Complaint Procedure attached hereto as Appendix 3.



APPENDIX 1

 <p style="text-align: center;"><b>Township of Essa</b> <b>Procedure # C09-2010 "Conflict of Interest"</b></p>			
<b>SUBJECT:</b>	<b>Date issued:</b>	<b>Effective Date:</b>	<b>Resolution No:</b>
CONFLICT OF INTEREST	February 6, 2019	March 1, 2019	CW023-2019
<b>SCOPE:</b>		<b>Revised:</b>	<b>Page 9 of 5</b>
MEMBERS OF COUNCIL, COMMITTEES, LOCAL BOARDS		n/a	

**A. PURPOSE:**

1. To outline a procedure for members of Council, Committees and Local Boards to follow in regards to declaring a conflict of pecuniary interest (direct or indirect) encountered in the execution of duties.
2. To assist members of Council, Committees and Local Boards in complying with the *Municipal Conflict of Interest Act*.
3. To provide members with the necessary form required to be completed when a conflict of interest has been declared.
4. To endorse the following principles in relation to the duties of members of Council and Local Boards:
  - Integrity, independence and accountability in local government decision-making;
  - Certainty in reconciling the public duties and pecuniary interests of members;
  - Members are expected to perform their duties of office with integrity and impartiality in a manner that will bear the closest scrutiny.

**B. RESPONSIBILITIES**

**1. Member**

- a. It is the responsibility of the member to determine if an actual or perceived conflict of interest exists. In the event that they are unsure, they are encouraged to seek advice from legal counsel or the Integrity Commissioner.
- b. Where a conflict of interest exists, either direct or indirect, it is the responsibility of the member to declare the "conflict of interest", and to state the general nature thereof.
- c. Where the member has declared a conflict of interest on a Closed Session Item, the member is still responsible for declaring the conflict in the appropriate manner in the public forum.
- d. It is the responsibility of the member declaring the conflict to complete the "Disclosure of Pecuniary Interest Form" (Appendix 1) in its entirety.

- e. It is the responsibility of the member declaring the conflict to submit the completed "Disclosure of Pecuniary Interest Form" to the Clerk and/or delegate prior to the opening of the meeting, or as soon as possible after the member has declared the conflict.

**2. Clerk and/or Delegate**

- a. The Clerk and/or delegate is the intake agent of the completed forms submitted by the member making the declaration.
- b. The Clerk and/or delegate is responsible for recording the declaration and the general nature thereof in the minutes of the meeting.
- c. The Clerk and/or delegate is responsible for ensuring that the registry (Appendix 2) is updated to reflect the declaration, and that the registry is available for public viewing (on website [www.essatownship.on.ca](http://www.essatownship.on.ca) > Local Government > Agendas and Minutes > Minutes page of the calendar year).

**C. GENERAL**

In accordance with the *Municipal Conflict of Interest Act*, the following duties apply:

**1. Where Member is Present (at meeting at which matter is considered):**

Where a member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council or Local Board at which the matter is the subject of consideration, the member shall:

- i. Prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- ii. Not take part in the discussion of, or vote on any question in respect of the matter; and
- iii. Not attempt in any way whether before, during or after the meeting, to influence the voting on any such question.
- iv. leave Council Chambers while the item is on the floor for discussion / vote.

**2. Where Member to Leave Closed Meeting:**

Where the meeting is not open to the public (Closed Session), in addition to complying with the requirements listed in section 1 above, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.

**3. Where Consideration of Suspension of Remuneration**

If the matter under consideration at a meeting is to consider suspension of remuneration paid to a member under subsection 223.4 (5) or (6) of the *Municipal Act, 2001*, despite clauses 5 (1) (b) and (c) of the *Municipal Conflict of Interest Act*:

- i. The member may take part in the discussion of the matter, including making submissions to Council or the Local Board, and may attempt to influence the voting on any question in respect of the matter, whether before, during or after the meeting, however the

member is not permitted to vote on any question in respect of the matter.

- ii. In the case of a meeting that is not open to the public, the member may attend the meeting or part of the meeting during which the matter is under consideration.

**4. When Absent from Meeting at Which Matter is Considered**

In accordance with the subsection 5 (3) of Municipal Conflict of Interest Act, where the interest of a member has not been disclosed by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest at the first meeting of the Council or Local Board attended by the member after the meeting where the conflict existed.

**D. PROCEDURE:**

1. At a meeting where a member has disclosed an interest, or as soon as possible afterwards, the member shall file a written statement and its general nature with the Clerk and/or delegate. The written statement shall be filed on the "Disclosure of Pecuniary Interest Form" as attached to this Procedure.
2. Where a member has any pecuniary interest in any matter that is being considered, the member shall not use his/her office in any way to attempt to influence any decision or recommendation that results from consideration of the matter.
3. Every declaration of interest including the general nature thereof shall be recorded in the minutes of the meeting.
4. Every declaration of interest, but not the general nature of the interest thereof, made on an item to be considered in Closed Session shall be recorded in the minutes.
5. The Clerk and/or delegate shall establish and maintain a Registry in which a copy of each "Disclosure of Pecuniary Interest Form" shall be kept, and such disclosure shall be recorded in the Registry.

**E. REFERENCES:**

*Municipal Conflict of Interest Act*  
*Municipal Act, 2001, as amended*

**Attachments:**

- 1 – Disclosure of Pecuniary Interest Form
- 2 – Declaration of Conflict of Interest Registry (Copy)



**Attachment 1 to Procedure C09-2010 "Conflict of Interest"**

**DISCLOSURE OF PECUNIARY INTEREST FORM**

DATE OF MEETING:  
AGENDA ITEM NO.

I \_\_\_\_\_ declare a potential (deemed / direct / indirect)  
(member to print name)

Pecuniary Interest on the Agenda respecting the following matter:

\_\_\_\_\_  
(List the Name of the Topic as it appears on the Agenda)

The reason(s) for the conflict is as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Member

For an "Indirect Pecuniary Interest" please refer to Section 2 of the Municipal Conflict of Interest Act.  
For a "Deemed Interest" (direct or indirect), please refer to section 3 of the Municipal Conflict of Interest Act.

**Internal Note:**

To be recorded in, and filed with, the Municipal Conflict of Interest Registry  
Registry shall be available for public inspection in accordance with subsection 6.1 (2)



Appendix 2

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2019 – 10

Being a By-law to adopt a Council-Staff Relations Policy.

WHEREAS section 5 (1) of the Municipal Act, 2001, as amended, provides that the powers of a municipal corporation are to be exercised by its Council; and

WHEREAS section 5 (3) of the Act states that municipal power, including a municipality's capacity, right, powers and privileges, shall be exercised by By-law, unless the municipality is specifically authorized to do otherwise; and

WHEREAS section 270 (1) of the Act provides that a municipality shall adopt and maintain policies with respect to relationships between members of Council and the officers and employees of the municipality by March 1, 2019; and

WHEREAS Council of the Corporation of the Township of Essa deems it expedient to adopt the aforementioned Policy;

NOW THEREFORE Council of the Corporation of the Township of Essa hereby enacts as follows:

1. THAT the "Council-Staff Relations Policy" is hereby adopted as set out in Schedule "A" attached hereto and forming part of this By-law.
2. THAT this By-law shall come into force and effect on the date of final passing thereof.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 20<sup>th</sup> day of February, 2019.



Sandie Macdonald, Mayor



Lisa Lehr, Clerk



## Township of Essa Policy No. C-010-2019

<b>SUBJECT:</b> COUNCIL – STAFF RELATIONS	<b>Date issued:</b> FEBRUARY 20, 2019	<b>Effective Date:</b> March 1, 2019	<b>Resolution No:</b> CW024-2019 CR 030 -2019
<b>SCOPE:</b> Council, Senior Management and Staff		<b>Revised:</b> n/a	<b>BY-LAW NO. 2019-10</b> SCHEDULE "A"

### A. AUTHORITY

Effective March 1, 2019, section 270 (1) paragraph 2.1 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, requires that all municipalities adopt and maintain policies governing the relationship between members of Council and the officers and employees of the municipality.

### B. POLICY STATEMENT & RATIONALE

The Township of Essa promotes a tolerant and respectful relationship in the workplace between members of Council and its managers and employees. This relationship is guided by the Council Code of Conduct, the Employee Code of Conduct, and the Procedural By-law.

Additionally, the Corporation promotes harassment-free relations and workplaces, which is guided by the Corporation's "Workplace Harassment, Discrimination and Violence Prevention Policy".

The intent of this Policy is to ensure that the relationship between members of Council and the managers and employees of the Township of Essa is cooperative and supportive, with a clear understanding of the respective roles and responsibilities of each.

### C. SCOPE

This Policy applies to all members of Council, Managers and employees of the Corporation of the Township of Essa.

### D. DEFINITIONS

#### 1. Definitions

**"Council"**- means a member or members of the municipal council of the Township of Essa.

**"Municipality"** – means the Township of Essa.

**"Staff"** – means any of the following:

- (a) A person, not including a member of Council, who performs work for wages for the Township of Essa;
- (b) A person who supplies services for wages to the Township of Essa;

- (c) Such other persons as may be prescribed who perform work or supply services to the Township of Essa for no monetary compensation.

## **E. ROLES AND RESPONSIBILITIES**

### **1. Council**

- a. The role of Council is one that focuses on policy. As a whole, Council is the governing body of the Township of Essa and has the capacity to provide political direction and make decisions.
- b. Members of Council are responsible to act in a manner that enhances public confidence in local government. Additionally, they are required to operate in a cooperative manner for the collective public interest of the municipality, to produce the best results and outcomes for the Township
- c. Members of Council are not elected to be technical experts, nor are they elected to act in professional capacities based on their professional experience(s). Council represents the municipality in a political manner only, and provides direction to the Chief Administrative Officer and Senior Management.
- b. Council as a whole is responsible to approve budgets and policies. They are responsible for the governance of the Township through By-laws and Resolutions. Individual members of Council do not directly oversee the administrative functions of the municipality, nor do they oversee staff.

### **2. Senior Management and Staff**

- a. Senior Management works as a liaison between Council and staff.
- b. Senior Management is responsible for direction to staff with respect to the implementation and administration of policy direction provided by Council as a whole, or by the Chief Administrative Officer.
- c. Senior Management provides advice to Council, and makes policy recommendations in accordance with their professional ethics, expertise and obligations.
- d. Senior Management and staff are responsible for the implementation and administration of Council Policy. They generally see to the operation(s) of the municipal organization, taking direction from the Chief Administrative Officer and/or Senior Management.

Staff are generally involved in the following:

- Research of policies and programs
- Providing professional advice
- Implementing decisions of Council
- Fulfilling statutory duties
- Following direction of Chief Administrative Officer and/or Department Manager



- e. Under the direction of the Chief Administrative Officer, Senior Managers and Staff work for the Township of Essa as a corporate body and serve Council as a whole. In doing so, staff administers policy which serves the combined interests of all members of Council as evidenced through the decisions of Council as a whole.

## **F. GENERAL OBLIGATIONS**

### **1. COUNCIL**

- a. Members of Council are required to respect the role of staff in the administration of business affairs for the Township, and shall not direct staff in the execution of their duties. Council is required to respect the administrative and managerial chain of command by:
  - i. Directing questions/concerns in relation to the administration or management of the Township to the Chief Administrative Officer and/or Department Manager;
  - ii. Refraining from becoming involved in the management of staff.
- b. Individual members of Council shall refrain from:
  - i. Attempting to influence staff;
  - ii. Criticizing or attempting to humiliate, berate, disparage or denigrate staff in public, including at any Council or Committee meeting, whether in open or closed sessions.
- c. Members of Council shall not make requests or statements, or take actions which may be construed as an attempt to influence the independent administration of Township business.
- d. Members shall not attempt to intimidate, threaten, or influence any staff member from carrying out their duties in accordance with the direction provided from their Manager/Supervisor.
- e. Members of Council shall refrain from using their position to improperly influence members of staff in their duties or function, or to gain an advantage for themselves or others.
- f. Members of Council shall 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.

### **2. SENIOR MANAGEMENT AND STAFF**

- a. Senior Management and Staff are required to act in a manner that enhances public confidence in local government.
- b. Senior Management and Staff shall carry out their duties based on political neutrality and objectivity, free from the undue influence of any individual member of Council.
- c. Senior Management and Staff are responsible to develop and maintain formal working relationships with members of Council, in order to promote equality and discourage favouritism.

- d. Senior Management and staff shall serve Council as a whole rather than any individual member of Council.
- e. Senior Management and Staff shall treat all members of Council equally and with courtesy, respect and professionalism at all times.
- f. Senior Management and Staff shall refrain from behaviours such as publicly criticizing decisions or policies of Council.
- g. Senior Management and Staff shall refrain from becoming involved in the policy and decision-making process of Council. They shall ensure that Council is provided with the necessary information to ensure that is necessary for Council to make an informed decision.

**G. ADMINISTRATIVE PROTOCOLS**

- 1. All requests from Council for reports shall be introduced under "Other Business".
- 2. Members of Council are not to direct subordinate staff in a supervisory capacity. Staff are supervised and directed by their Department Manager and/or the Chief Administrative Officer.
- 3. Council members are to filter questions/concerns by email or telephone to the Chief Administrative and/or Department Heads.

**H. FILING OF COMPLAINT**

- 1. Staff shall report all breaches in this Policy directly to the Chief Administrative Officer.
- 2. Depending on the severity of the breach, the complaint may be filed with the Integrity Commissioner as appointed by the municipality.

**F. REFERENCES:**

*Municipal Act, 2001, as amended*  
Council Code of Conduct C09-2010  
Employee Code of Conduct  
Procedural By-law 2017-77

**APPENDIX 3 TO COUNCIL CODE OF CONDUCT C09-2010**

**TOWNSHIP OF ESSA  
POLICY AND PROCEDURE MANUAL**

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<b>Department:</b>	<b>Clerk's/Administration</b>	<b>Date:</b>	<b>March 7, 2018</b>
<b>Subject/Title:</b>	<b>Municipal Complaint Policy</b>	<b>Date of Approval:</b>	<b>March 7, 2018</b>
<b>Resolution No.</b>	<b>CW042-2018</b>	<b>Policy No.:</b>	<b>A07-09</b>
		<b>Effective:</b>	<b>March 7, 2018</b>

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**1. POLICY STATEMENT AND RATIONALE**

The Township of Essa is committed to a consistent and uniform process for responding to complaints received from members of the public regarding programs, facilities, Township services, staff or operational procedures. This Policy outlines the process to be followed for the filing of, and handling of, public complaints.

The Township of Essa recognizes the importance of public input and welcomes complaints as a valuable form of feedback. The information gained from complaints helps to improve the client experience of residents, in addition to improving on the quality of services provided by the Corporation.

**2. SCOPE**

This policy applies to all complaints received from members of the public regarding administrative actions and functions of the Township of Essa (ie: programs, facilities, services, staff, operational procedures, etc.).

This policy has been put in place to assist members of the public with a process for lodging a complaint regarding municipal operations. As well, this Policy will provide staff with guidance on the appropriate process to recognize, investigate and respond to informal and formal complaints from members of the public. The Township of Essa will deal with all verbal and/or written complaints promptly, courteously, impartially and professionally. All complaints will be treated with respect and will not receive adverse treatment or any form of reprisal.

As part of the complaint process, all verbal and/or written complaints filed with the Township of Essa necessitate a response.

**2.1 EXCLUSIONS**

This complaint process will not be used to address the following issues:

- Enquiries;
- Requests for service (ie: report of streetlight burnt out, scheduled pick-up did not occur, etc.);
- Feedback;
- Compliments;
- Request for accommodations;
- A decision of Council or of a Committee of Council;
- Matters that are handled by tribunals, courts of law, quasi-judicial boards, etc.

## 2.2 EXEMPTIONS

The following complaints are exempt from this Policy:

- Anonymous complaints – Anonymous complaints are difficult, if not impossible, to assess or investigate and will only be dealt with at the direction of the Department Manager or Chief Administrative Officer.
- Complaints by employees or contractors working on behalf of the Township– Alternative procedures are available to employees to initiate complaints within the organization.
- Complaints made by one person or by a group on a frequent basis regarding routine service delivery where the premise of the complaint is not to obtain service delivery or satisfaction as a result of service delivery, but is submitted to frustrate a service, hinder service delivery, or where the customer has already submitted feedback and received a response but does not accept the outcome and chooses not to escalate the submission.
- Complaints about members of Council.
- Complaints regarding a process under an Act of the Provincial Legislature where the Township has little or no control over the process. Complaints of this nature may be referred to the Provincial Ombudsman.

## 3. PRINCIPLES

The Township of Essa will use the following principles to guide the complaint process:

- Customer-focus – The Township of Essa is committed to continuous improvement in service delivery;
- Accountability – Complaints are handled in a fair, respectful and transparent manner as quickly as possible;
- Responsiveness – Complaints are tracked and the Complainant is informed of each step;
- Accessibility – Information on how to submit a complaint is easily found on the Township's website;
- Simplicity – The process must be simple to understand and easy to use; and,
- Confidentiality – Complainants will be dealt with in a confidential manner according to the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). Information will be collected, used and disclosed in accordance with the *Act*.

## 4. DEFINITIONS

**Complaint** – an expression of dissatisfaction related to the Township of Essa's programs, facilities, services, Township employee or operational procedures, where it is believed that the Township has not provided a service experience to the customer's satisfaction at the point of service delivery, and a response or resolution is explicitly or implicitly expected.

**Complainant** – The person who is dissatisfied and is filing the complaint. Anyone who uses or is affected by Township services can make a complaint.

## **5. PROCEDURE**

### **5.1 GENERAL**

A complaint may be made in a number of ways:

- Verbal complaints are made in person or by telephone;
- Written complaints may be filed by hand delivery, mail, fax or email.

Complainants are encouraged to file their concern utilizing the Informal Complaint Resolution Process.

If there is dissatisfaction with the informal resolution, then the complainant is encouraged to file their complaint utilizing the Formal Complaint Resolution Process.

### **5.2 INFORMAL COMPLAINT RESOLUTION PROCESS**

#### **a. FRONT LINE**

Members of the public are encouraged to pursue the Informal Complaint Resolution Process as a means of stopping and/or remedying a behaviour or activity. Complainants are urged to discuss their concerns with the appropriate member of staff and to seek an informal resolution. Most concerns are resolved this way.

#### **b. DEPARTMENT MANAGER**

Members of the public who identify or witness actions or lack of action by municipal employees may address the behavior or activity themselves by filing an informal complaint with the appropriate Department Manager as follows:

- i. Contact the Department Manager either verbally or in writing to advise of the complaint. (In the case of the Public Works Department, complaints can be directed to the Administrative Assistant.)
- ii. Provide specifics to the Department Manager regarding the incident (ie: dates, times, locations, other persons present, and any other relevant information).

\*If the complaint is about a Department Manager, the complainant can file, informally or formally, to the Chief Administrative Officer.

### **5.3 FORMAL COMPLAINT RESOLUTION PROCESS**

- a. If after an informal submission or complaint has been addressed by the Department Manager, and the complainant is not satisfied with the outcome, the complainant may submit a written formal complaint to the Chief Administrative Officer, and include the following information:
  - Name and contact details of the Complainant (mailing address, telephone number, and e-mail address);
  - Summary of the complaint, including details, location, Township employee involved, resolution requested, enclosures, date complaint submitted;
  - Name and contact information of any witnesses;

- Any efforts undertaken (if any) to resolve concern/issue;
- Type of resolution being sought; and
- Signature and date.

[If the complainant is submitting a complaint on behalf of another person, or is representing someone else (including a family member) as the agent or contact person, they will be required to submit written consent from the person that they are representing. The *Municipal Freedom of Information and Protection of Privacy Act* does not allow the Township to collect information that someone else has about that other person, unless the Township has received the signed written consent of that other person.]

- The Chief Administrative Officer will review both the written formal complaint and the response set forth by the Department Manager. All decisions made by the Chief Administrative Officer will be considered the final response from the Township of Essa.
- A final response from the Chief Administrative Officer shall be sent to the complainant within 30 business days, barring exceptional circumstances.
- At the discretion of the Chief Administrative Officer, the complaint and the nature thereof may escalate to members of Council.

#### 5.4 OMBUDSMAN

Where the Township of Essa and the complainant are unable to resolve a submission or complaint to their mutual satisfaction, the customer may:

Contact the Office of the Ombudsman of Ontario:

Phone: 1-800-263-1830 Complaints Line	Mail to: Office of the Ombudsman of Ontario Bell Trinity Square 483 Bay Street, 10 <sup>th</sup> Floor, South Tower Toronto, ON M5G 2C9
Online: <a href="http://www.ombudsman.on.ca">www.ombudsman.on.ca</a>	

#### 6. ADDITIONAL REFERENCES

##### Closed Meeting Investigation Complaints

Under Section 239 of the *Municipal Act*, 2001, as amended, any individual may request that an investigation be undertaken to determine whether a municipality or local board has complied with the *Municipal Act* or its Procedure By-law in respect of a meeting or part of a meeting that was closed to the public. Complaints shall be filed in accordance with the provisions outlined on the Township's website by the Closed Meeting Investigator.

##### Complaints of Council (Code of Conduct, Procedural Matters, Conflict of Interest)

Effective March 1, 2019, Part V.1 of the *Municipal Act*, "Accountability and Transparency", requires municipalities to appoint an Integrity Commissioner to perform functions as outlined in the *Municipal Act*, 2001, as amended. Complaints shall be filed as outlined in the Council Code of Conduct.



**Policy C09-2010 - Council Code of Conduct  
Appendix 4**

**Disclosure Statement (Gift / Benefit / Hospitality)**

Section 4.2 (f) of the Council Code of Conduct requires Members to disclose the receipt of certain gifts and benefits received from one source if the dollar value exceeds certain thresholds as indicated below:

Gift / Benefit	One Time Threshold	Calendar Year Threshold
Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation	\$75.00	\$150.00
A suitable memento of a function honoring the Member	\$75.00	\$150.00
Food and beverages consumed at banquets, conferences, seminars, training, receptions, or similar events, if: <ul style="list-style-type: none"> <li>• Attendance serves a legitimate business purpose;</li> <li>• The person extending the invitation or a representative of the organization is in attendance; and</li> <li>• The value is reasonable and the invitation is infrequent</li> </ul>	\$75.00	\$150.00
Business Meals	\$75.00	\$150.00
Compensation authorized by law, Policy or Council Resolution	\$200.00	\$300.00
A political contribution otherwise authorized and reported by law, in the case of a member running for office	\$200.00	\$300.00
Food, lodging, transportation and entertainment provided by federal, provincial or other local or regional governments or by a foreign event organizer where the Member is either speaking or attending in an official capacity at an official event	\$200.00	\$300.00

This Disclosure Statement is to be used to report on such gifts and benefits that exceed the thresholds referenced in Section 4.2 of the Council Code of Conduct, and shall be filed with the Clerk within 30 days of receipt of such gift or benefit, or upon reaching the annual limit. Every Disclosure Statement filed under this Code shall be made a public record.

Nature of Gift/Benefit/Hospitality Received:	
Estimated Value of Gift/Benefit/Hospitality:	
Source of Gift/Benefit/Hospitality:	
Date Gift/Benefit/Hospitality was Received:	
Circumstances under which Gift/Benefit/Hospitality was Received:	
Intended Use of Gift (ie: will it be donated or provided to the Township?)	

\_\_\_\_\_  
Signature of Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Clerk

\_\_\_\_\_  
Date of Receipt