

# **Code of Conduct for Members of Council**



Approval Date:	
Approved By:	
Effective Date:	

## **1. Purpose**

- 1.1 The purpose of this code is to provide guidelines for the conduct and behaviour of Members of Council.

## **2. Policy Statement**

- 2.1 The Code of Conduct shall ensure that the public and Members of Council share a common understanding of acceptable conduct for Members of Council.

## **3. Definitions**

- 3.1 “*Administration*” – means the senior administrator, directors, managers, and employees who carry out the activity of government under the direction of the Wahta Mohawks Council in the exercise of its powers and duties as delegated to its departments and programs.
- 3.2 “*Child*” – includes a person whom a Member of Council has demonstrated an intention to treat as a child of his or her family and includes step-children, foster children, adopted children, and children under their care through a customary care arrangement.
- 3.3 “*Code*” – means the *Code of Conduct for Members of Council*.
- 3.4 “*Conflict of Interest*” – means a situation in which a Member of Council has an interest in a matter of a nature that is sufficient to influence, or be perceived to influence, the exercise of his or her public duties and responsibilities. This includes situations in which a Member of Council cannot be perceived as acting with integrity and in the community interest because he or she, or a Family Member, may derive a personal benefit from a decision being made by Council. Conflict of Interest does not include an interest in a decision that:
- (a) Is of general application;
  - (b) Affects a Member of Council as one of a broad class of persons; or
  - (c) Concerns the remuneration or benefits of a Member of Council.

- 3.5 “*Council*” – means, collectively, all Councillors and the Chief that comprise the Wahta Mohawks Council.
- 3.6 “*Family Member*” – means:
- (a) Spouse, including but not limited to common-law spouse and same sex partner;
  - (b) Child, mother, father, sister, brother, grandchild, grandparent, aunt, uncle, niece and nephew;
  - (c) Mother-in-law, father-in-law, sister-in-law, and brother-in-law; and
  - (d) Stepmother, step-father, step-sister, step-brother and step-child.
- 3.7 “*Gift*” – means a present or other personal benefit that is given or received as an incident of protocol, customs or social obligations that normally accompany the responsibilities of office and does not exceed Two Hundred Dollars (\$200.00) in value.
- 3.8 “*Member of Council*” – means an individual Councillor or Chief of the Wahta Mohawks Council.
- 3.9 “*Community Member*” – means an individual whose name is registered on the Wahta Mohawks Membership List or who is entitled to have his or her name registered on the Wahta Mohawks Membership List.
- 3.10 “*Social Media*” - refers to the collective of online communications channels dedicated to networking, community-based input, interaction, content-sharing and collaboration. These may include, but are not limited to: Twitter, blogs/weblogs, message boards, photo/video sites (i.e. YouTube, Flickr, Instagram, etc.), social news sites (i.e. Digg, Reddit), Facebook, and LinkedIn.

#### **4. Application**

- 4.1 This Code applies to all Members of Council.

#### **5. General Integrity**

- 5.1 The following key principles underlie this Code:
- (a) Members of Council have a duty to serve, and be seen to serve, the public and their constituents.
  - (b) Members of Council shall be committed to carrying out their duties with integrity.
  - (c) Members of Council shall perform their duties of office and arrange their private affairs in a manner that promotes public confidence.
  - (d) Members of Council shall maintain the Council’s dignity to justify the respect in which the community holds Council.

- (e) Members of Council shall avoid real or perceived Conflicts of Interest and improper use of the influence of their office.
- (f) Members shall protect the public interest.
- (g) Members shall serve as an example to encourage high ethical standards throughout the organization.

## **6. Conflict of Interest**

- 6.1 A Member of Council shall not participate in making a decision in the execution of his or her office if the Member of Council knows or reasonably should know that in making the decision there is an opportunity for the Member of Council to be perceived as being in a Conflict of Interest.
- 6.2 A Member of Council who has reasonable grounds to believe that he or she has a Conflict of Interest in a matter that is before Council or a Committee of Council, shall, if present at a meeting considering the matter:
  - (a) Disclose the Conflict of Interest and the general nature thereof; and
  - (b) Withdraw from the meeting by leaving the room, without voting or participating in consideration of the matter.
- 6.3 Notwithstanding 6.2, when dealing with land transfers where there is no discussion on the matter, the Member of Council must disclose the Conflict of Interest and must not vote but does not have to withdraw from the meeting by leaving the room.
- 6.4 All formal records concerning the matter, such as minutes of meetings, will record that the Member of Council declared a Conflict of Interest and did not participate in the discussion or decision concerning the matter.
- 6.5 Once a Member of Council has declared a Conflict of Interest, he or she is not able to sign any motion, Council Resolution or other document related to the matter for which the Conflict of Interest was declared.
- 6.6 Where a Member of Council may have a Conflict of Interest but does not declare him/herself as having a Conflict of Interest, another Member of Council may raise a Point of Order to the Chief or Member of Council appointed to Chair the meeting in the Chief's absence to be dealt with in accordance with the *Policy on Council Meeting Procedures*.

## **7. Gifts**

- 7.1 A Member of Council must submit to the Finance Department, any fees and Gifts valued at two hundred dollars (\$200.00) or more received that are connected directly with the performance of his or her duties as a Member of Council for external organizations, associations, committees, trusts, and boards.

- 7.2 The Finance Department shall return any monies submitted to them by a Member of Council to that Member of Council if receipts, invoices, or other acceptable documentation indicates that the money submitted was a reimbursement in consideration of actual expenses incurred by the Member of Council during the performance of his or her duties of office.
- 7.3 Subsection 7.1 does not apply to a Gift of a maximum value of two hundred dollars (\$200.00) that is received as an incident of the protocol, customs or social obligations that normally accompany the responsibilities of office and are:
- (a) Within the normal bounds of propriety, a normal expression of courtesy or protocol within the normal standards of hospitality;
  - (b) Not a cash payment, nor any other form of remuneration for performance of a Member of Council's duties of office;
  - (c) Not such as to bring suspicion on the Member of Council's objectivity and impartiality; and
  - (d) Shall not compromise the integrity of Council.
- 7.4 Gifts, hospitality, and other benefits of reasonable value received from governments or in connection with an official or public event are permitted if they are compliant with 7.3.
- 7.5 Where a Gift has been accepted by a Member of Council under 7.3 or 7.4 the Member of Council in receipt of the Gift shall submit to the Finance Department within seven (7) days a brief description of the Gift, the date the Gift was received, the approximate value of the Gift, and the name of the person/organization who gave the Gift.
- 7.6 Where a Gift accepted under subsections 7.3 or 7.4 has a value of two hundred dollars (\$200.00) or more, the Member of Council shall make arrangements for the Gift to be placed in Council's inventory.
- 7.7 Gifts and other benefits from Family Members and close personal friends are not subject to the provisions of this section provided that accepting the Gift would not compromise the integrity of Council or the Member of Council.
- 7.8 Where there is doubt as to the appropriateness of accepting an offer of a Gift, hospitality, or other benefit, including from Family Members, Members of Council shall not accept the offer.

## **8. Contracts with Council**

- 8.1 No Member of Council shall knowingly be a party to a contract with Council under which he/she receives a benefit.

- 8.2 No Member of Council shall have an interest in a partnership, joint venture or in a private company that is a party to a contract with Council under which the partnership, joint venture or company receives a benefit.
- 8.3 Subsections 8.1 and 8.2 do not apply to a contract that existed before the Member of Council's election to Council, but they do apply to its renewal or extension.
- 8.4 Subsection 8.1 does not prohibit a Member of Council from receiving retirement benefits funded through Council for past employment.
- 8.5 Subsection 8.2 does not apply until the first anniversary of the acquisition if the interest in the partnership, joint venture or private company was acquired by inheritance.
- 8.6 No Member of Council shall commit, guarantee, promise, pledge nor otherwise represent to a third party that Council will enter into any agreement or contract or disburse money or undertake anything that cannot be accomplished without a Council Resolution.

## **9. Community Property**

- 9.1 Council is the custodian of the assets of the community. The community places its trust in Council and those it appoints/hires to make decisions for the community good in relation to these assets.
- 9.2 By virtue of their office or appointment, Members of Council must not use or permit the use of community land, facilities, equipment, supplies, services, staff, or other resources for activities other than the business of the Wahta Mohawks.
- 9.3 No Member of Council shall seek financial gain for themselves or their family from the use, sale, or lease of community-owned property.
- 9.4 Notwithstanding section 9.3 of this policy, a Member of Council may purchase or lease community-owned property if secured through a public and transparent process where the availability to purchase or lease is open to all other community members. If participating in a process for the purpose of purchasing or leasing community-owned property, the Member of Council shall not participate in any aspect of the process by declaring a conflict of interest and will not use their position on Council to unduly influence the process or to give themselves an advantage in the process over other community members.
- 9.5 Any member of Council party to a lease for community-owned property prior to be elected to Council, may continue to remain a party to the lease after their appointment to Council. The Member of Council party to such a lease must not participate in the process to renew or extend that lease by declaring a conflict

of interest and not using their position on Council in any way to influence decisions made by Council on the renewal or extension of that lease.

## **10. Confidential Information**

- 10.1 No Member of Council shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of his or her office, in either written or oral form, except when required by law or authorized by Council to do so.
- 10.2 No Member of Council shall use confidential information for financial or other gain, or for the financial or other gain of a Family Member or any person or corporation. (For example, no Member of Council should directly or indirectly benefit, or aid others to benefit, from knowledge respecting tendering of a Public Works contract).
- 10.3 No Member of Council shall disclose the content of a matter that has been discussed at or the substance of deliberations of an In-Camera meeting, except for content that has been authorized by Council to be released to the public pursuant to the *In-Camera Meeting Policy*.
- 10.4 Examples of the types of content that a Member of Council must keep confidential in accordance with this Code includes, but is not limited to, information:
- (a) Received in confidence by a third party of a financial, commercial, scientific or technical nature;
  - (b) Related to potential or ongoing negotiations including acquisitions and dispositions of goods and services, and price schedules in contract tenders or request for proposal submissions;
  - (c) That is personally identifiable and has not been consented to for public release including personnel relations or employee negotiations;
  - (d) Subject to solicitor-client privilege including litigation or potential litigation; and
  - (e) That if released may be a detriment to the safety and security of the Wahta Mohawks community, its Community Members, or the Wahta Mohawks Council.
- 10.5 Members of Council shall not access or attempt to gain access to confidential information in the possession of Council or the Administration unless it is necessary for the performance of their duties.

## **11. Conduct at Council and Committee Meetings**

- 11.1 Members of Council shall conduct themselves with a professional demeanour and shall interact with each other and all other persons in a tactful and respectful

manner.

11.2 Members of Council shall conduct themselves in accordance with the *Policy on Council Meeting Procedures*.

11.3 Members of Council shall ensure their engagement with all individuals at Council and community meetings is done with the upmost civility. This involves treating others with dignity and respect and acting with regards to other's feelings. Disrespect should not be confused with legitimate comments or advice on the work or performance of other individuals or groups. However, civility requires that this feedback be delivered respectfully and courteously.

11.4 Incivility must be always avoided by all Members of Council. The broad range of behaviours associated with incivility include but are not limited to:

- (a) Unprofessional behaviour;
- (b) Rudeness;
- (c) Shouting or swearing;
- (d) Intimidation or bullying;
- (e) Threatening comments or behaviours/actions; and
- (f) Unsolicited or unwelcomed conduct, comments, gestures, or actions or contact that cause offense, humiliation, or physical or emotional harm to any individual.

11.5 When assessing any conduct alleged to have occurred under 11.4 of this policy, it must be kept in mind that incivility can be subtle or overt and can involve a single event or a continuing series of incidents. Incivility can also be unintended or deliberate, which does not excuse the behaviour, but can be used to resolve the complaint and guide future behaviour. In any case, the impact on that individual is what must be addressed.

11.6 All Members of Council are expected to participate fully in discussions and work toward achieving a consensus on issues brought before Council.

## **12. Discrimination and Harassment**

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

## **13. Election Campaigns**

13.1 No Member of Council shall use the facilities, equipment, supplies, electronic equipment, services, or other resources of the Council for any election campaign or campaign-related activities.

13.2 For the purposes of 13.1 of this Code, facilities, equipment, supplies, electronic equipment, services, or other resources of Council include, but are not limited to, Council's:

- (a) Website;
- (b) Logos;
- (c) Signs;
- (d) Newsletter or any other printed or electronic publication of Council;
- (e) E-mail;
- (f) Business cards;
- (g) Letterhead;
- (h) Photocopiers;
- (i) Facsimile;
- (j) Mobile phones;
- (k) Financial resources; and
- (l) Social media accounts.

13.3 No Member of Council shall use the services of Council employees for any election campaign or campaign related activities during hours in which those employees receive any remuneration from Council.

#### **14. Conduct Respecting Staff**

14.1 Only Council as a collective shall have the authority to approve budgets, policies, Committee processes and other such matters relating to the business of the Wahta Mohawks Council.

14.2 Under the supervision of the Senior Administrator, Wahta Mohawks employees serve the Council as a collective.

14.3 Members of Council shall respect the politically neutral and objective role of Wahta Mohawks employees. This shall include Members of Council refraining from unduly influencing or directing Wahta Mohawks employees.

14.4 No Member of Council shall maliciously, falsely, negligently, or recklessly injure the reputation, prospects, or practices of Wahta Mohawks employees.

14.5 No Member of Council shall compel, request, or coerce a Wahta Mohawks employee to engage in partisan political activity or be subject to reprisal for failing to engage in such activity.

14.6 No Member of Council shall use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or bribing any Wahta Mohawks employee with the intent of interfering with that employee's duties, including the duty to disclose improper activity.



14.7 Members of Council shall refer complaints from Wahta Mohawks employees to the appropriate supervisor for resolution.

## **15. Use of Council Property**

15.1 No Member of Council shall for personal purposes use any Council property, equipment, services or supplies other than for purposes connected with the discharge of Council duties or associated community activities of which Council has been advised.

15.2 Members of Council shall be permitted exceptions to s.15.1 if the use of property is for a reasonable and incidental purpose (ex. Computers, fax, blackberries...) where the Council incurs no additional cost relating to such use, and the use is of limited duration and frequency. Exceptions to s.13.1 shall also be granted if the use of property is authorized by a Council policy or resolution.

15.3 No Member of Council shall obtain financial gain or other benefit from the use or sale of Council-developed intellectual property, programs, technical innovations, or other items capable of being patented, since the rights to all such property remains exclusively that of the Council.

15.4 No Member of Council shall use information gained in the execution of his or her duties that is not available to the public for any purposes other than his or her official duties.

## **16. Social Media**

16.1 Members of Council shall not use personal social media accounts to communicate:

- (a) Confidential Elected Council information (i.e. information discussed during an in-camera meeting);
- (b) Discriminatory, threatening, derogatory or defamatory statements regarding the Elected Council, its employees, clients, community members or vendors;
- (c) Private or confidential information about fellow Members of Council, Council employees, or any other individual; or
- (d) Any other content that violates this Code or any other policies applicable to Members of Council.

16.2 The Chief is the primary spokesperson for Council, as such, Members of Council should clearly identify where they are expressing personal views, and not necessarily the views of Council when posting information on personal social media accounts.

## **17. Respect for the Code of Conduct**

- 17.1 Members of Council should respect the process for complaints made under the Code of Conduct or through any process for complaints adopted by Council. Members shall not act in reprisal or threaten reprisal against a person who makes a complaint or provides information to Council during an investigation.
- 17.2 Members of Council are expected to cooperate with requests for information during investigations under the Code of Conduct. Members shall not destroy documents or erase electronic communications or refuse to respond to Council where a complaint has been lodged under the Code of Conduct or any process for complaints adopted by Council.

## **18. Non-Compliance**

- 18.1 Upon receipt of complaint that a Member of Councillor has contravened any provisions of this policy in the carrying out of his/her duties, the remaining Council quorum has the discretion to establish and implement its own procedure to investigate the complaint.
- 18.2 The procedure implemented under 18.1 shall ensure all relevant information is collected and considered by the remaining quorum of Council, including allowing the Member of Council in question to directly respond to the details of the complaint alleging the breach of this Code.
- 18.3 Council shall communicate its decision to the Member of Council in question detailing their finding and reasons for it and the penalty being handed down if applicable.
- 18.4 The possible range of penalties the remaining quorum of Council may implement upon a finding that the conduct in question does constitute a breach of this policy includes:
- (a) A suspension of honorarium or any other amounts paid to a Member of Council in their role as a Member of Council for a period up to 90 days;
  - (b) Return property or make reimbursement of its value or of the money spent;
  - (c) Providing a written or verbal apology; and/or
  - (d) Removal from any internal or external Committee, Board, Working Group, or other such body they have been appointed to by Council.
- 18.5 Where the conduct in question in section 18.1 potentially gives rise to criminal charges, then that conduct shall immediately be reported to the appropriate law enforcement agency.

## **19. Amendments**

19.1 Amendments to this policy must be approved by way of a duly passed Council Motion or Resolution.