

THE CORPORATION OF THE TOWN OF HEARST

BY-LAW NO. 89-09

Being a by-law to adopt a Code of Ethics Policy for Council and to establish roles and responsibilities for Council and senior staff to promote accountability and transparency in municipal governance

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, provides a Municipality has the capacity, rights, powers and privileges of a natural person, and

WHEREAS a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act, and

WHEREAS Part V.1, Accountability and Transparency, Section 223.2(1) of the Municipal Act, 2001, C.25, as amended authorizes a municipality to establish codes of conduct for members of Council of the municipality and of local boards of the municipality, and

WHEREAS the Council of the Corporation of the Town of Hearst deems it expedient to adopt a Code of Ethics Policy for Council and to adopt a policy for roles and responsibilities of Council and senior management;

NOW THEREFORE, BE IT ENACTED THAT the Council of the Corporation of the Town of Hearst hereby enacts a Code of Ethics Policy and establishes the roles and responsibilities for Council and senior management, attached hereto as Schedules A and B.

1. SEVERABILITY

In the event that section or sections of this by-law thereof are found by a court of competent jurisdiction to be invalid or ultra virus, such section, sections or parts thereof shall be deemed to be severable, with all other sections or parts of this by-law remaining in the full force and effect.

2. SCHEDULES

THAT the following schedules are attached and form part of this by-law:

- a) Schedule A Accountability and Transparency and Code of Ethics for Council Members;
- b) Schedule B Roles and Responsibilities for Council and Senior Staff.

3. EFFECTIVE DATE

THAT this by-law shall take effect upon its adoption.

READ AND PASSED IN OPEN COUNCIL

THIS 17th DAY OF NOVEMBER, 2009.

MAYOR

CHIEF ADMINISTRATIVE OFFICER /CLERK



THE CORPORATION OF THE TOWN OF HEARST

CODE OF ETHICS FOR COUNCIL MEMBERS

and their ACCOUNTABILITY AND TRANSPARENCY

1 BACKGROUND

This Code of Ethics is a public declaration of the principles of good conduct and ethics to maintain high standards of behaviour that the members of Council of the Corporation of the Town of Hearst have decided its stakeholders could reasonably expect be demonstrated in the performance of mandated, assigned and legislated responsibilities as elected community representatives.

Attaining an elected position within one's community is a privilege which carries significant responsibilities and obligations. Members of Council are held to a high standard as leaders of the community and they are expected to become well informed on all aspects of municipal governance, administration, planning and operations. They are also expected to carry out their duties in a fair, impartial, transparent and professional manner. The key stakeholders, although obvious at first, represent a broad base of interests and concerns which require fair and open attention, adjudication and disposition.

These key stakeholders include but are not limited to:

1. Residents
2. Ratepayers
3. Province of Ontario
4. Staff
5. Public Agencies
6. Suppliers
7. Other Members of Council

To assist the Municipality of Hearst and Council in interacting effectively with all stakeholders, the following obligations are expected of each of them:

1. That they solemnly promise, declare and carry out their responsibilities as prescribed in the oath of office.
2. That they familiarize themselves with and follow the Procedural Bylaw for Council and its committees.
3. That members of Council are to read and respect the Roles and Responsibilities of Council and Senior Management Document (**Schedule B**).
4. That they read, understand and follow the provisions of the Municipal Act and Municipal Conflict of Interest Act.

A "Code of Ethics" for members of Council has been prepared for their personal review and reference so as to:

1. Augment communication to the public in the role and integrity of municipal politicians in the Municipality of Hearst.
2. To provide present and future Councils with additional assistance and protocols in the performance of their elected duties and responsibilities, and
3. To assist members of Council in providing leadership by example to staff.

4. The members of Council of the Town of Hearst fundamentally understand that:
 1. the proper operation of democratic and representative municipal government requires that they be independent, impartial and responsible to the people,
 2. they are open to observe proper channels for decision making and approval of policy,
 3. conflicts between private interests and public responsibilities are unacceptable and must be avoided, and
 4. as leaders of the community, they are held to a higher standard of behaviour and conduct.

POLICY STATEMENT

Local Government is an open, accessible, and accountable form of government. The relationship of public trust and mutual respect that has evolved between government and the public requires high standards of ethical conduct by Municipal Council Members.

PURPOSE

1. Protect the public interest.
2. Encourage high ethical standards among Municipal Council Members.
3. Provide a universal understanding of the fundamental rights, privileges and obligations of Municipal Council Members.
4. Provide a means for Municipal Council Members to obtain authorization for some contemplated conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct.
5. Set out the means of correcting unethical conduct.
6. Municipal Council Members hold positions of privilege. Therefore, they must discharge their duties in a manner that recognizes a fundamental commitment to the well-being of the community and regard for the integrity of the Corporation.
7. The importance of a Code of Ethics Policy is emphasized by the following:
 - i) ensures equitable treatment of citizens;
 - ii) ensures equitable treatment of employees;
 - iii) encourages communication of corporate priorities to employees;
 - iv) ensuring compliance with statutory requirements;
 - v) minimizes liability risks;
 - vi) ensures accountability at all levels;
 - vii) ensures optimal use of available resources;
 - viii) implements the organization's strategic vision;
 - ix) minimizes local board/committee interference in operational matters.

DEFINITIONS

1. *Municipal Council Members* – include the Mayor and members of Council of the Municipality of Hearst.
2. *Public Comment* – disclosures made in a public speech, lecture, radio or television broadcast, in the press or written form.
3. *Confidential Information* – while the classification of information as “confidential” is a matter of provisions under the Municipal Act, forewarning by a Municipal Official or Council discretion, whether labeled as confidential or not, disclosure of information will not constitute a breach of the Code of Ethics unless that information is of an inherently confidential nature such as:

- a) Personal data of employees or others.
- b) Records related to internal policies and practices, which if disclosed, may prejudice the effective performance of a municipal operation.
- c) Records of a financial nature reflecting information given or accumulated in confidence.
- d) Files prepared in connection with litigation and adjudicative proceedings.
- e) Reports of consultants, policy drafts and internal communications, which, if disclosed, may prejudice the effective operation of the municipality.
- f) Knowledge of opinions that will create an unwarranted prejudice or inappropriate judgment against an employee, a citizen, a business or an organization.

RESPONSIBILITIES

STATEMENT OF COMMITMENT

By knowledge of this Code of Ethics Policy, the Members of Council of the Corporation of the Municipality of Town of Hearst make a commitment to discharging their duties conscientiously and to the best of its ability.

In the performance of its community role, the members of Council engage in acting with honesty and integrity and generally to conduct themselves in a way that both generates community trust and confidence as individuals and enhances the role and image of the Council and local government generally.

In addition to all legislative requirements, the Members of Council of the Corporation of the Town of Hearst have adopted the requirements of this Code of Ethics and ethics as standards that will be adopted in the performance of its roles and responsibilities.

Council Shall

- a) Make such revisions, additions, or deletions to the Code of Ethics as may be justified under the concept of "just cause".
- b) Following its review of the information, decide on the appropriate action in matters concerning a Council members ethical conduct
- c) Council Members must not make improper use of information acquired or make improper use of their position as a member of Council.
- d) Council Members generally are to act honestly and with reasonable care and exercise due diligence in the performance and discharge of official functions and duties.

Chief Administrative Officer/Clerk shall:

- a) Provide recommendations to Council on desirable revisions, additions or deletions to the Code of Ethics.
- b) Advise of allegations relating to unethical conduct by Members of Council.
- c) Collaborate in the conduct of inquiries as required by the Municipal Integrity Officer.
- d) Ensure the administrative controls referred to in the Code of Ethics are in place.
- e) Fully inform newly appointed Council Members of the ethical standards they are expected to observe. If requested, to obtain clarification of the specific ethical standards the Council Member will be required to observe in particular position.

- f) Keep Council Members informed, on an ongoing basis of the Municipality's policy on ethical behaviour.

COUNCIL MEMBERS

Integrity

Ultimately, ethical behaviour relies on the diligence of the individual. However, since a breach of ethics impacts not only on that Member of Council but also the Corporation, a code of ethics is the means by which the Municipality acknowledges its responsibility in this area. Without restricting the scope of this rule, the following shall be considered breaches of the Code of Ethics:

- i) Conduct in one's private life or Council activities, which renders the Council Member unable to perform his or her duties satisfactorily. What moral standard a Council Member must adhere to will vary with the Council Member's relationship with the other members of Council, the Municipality and the public.
- ii) To knowingly breach the law in the performance of his/her duties or to request others to do so.
- iii) To intentionally falsify any municipal records or municipally related material.

Impartiality

Every Council Member must perform his/her duties in an impartial manner.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Ethics:

- i) a Municipal Council Member must refrain from accepting gifts and benefits from firms or individuals except for gifts, hospitality or entertainment of a nominal value that could not be reasonably construed as being given in anticipation or recognition of special consideration by the Corporation.
- ii) A member of Council must not place himself in a position where he is under an obligation to favour an individual or firm.
- iii) There is a role for "moderate hospitality". Council Members may accept hospitality or entertainment if the offer is infrequent (less than 2 or 3 times a year) and appropriate to the occasion. In these circumstances, it is assumed that the nature of the business discussed is important enough to advance the interests of the Municipality.
- iv) Members of Council shall acknowledge that the Mayor shall in his/her role, periodically receive and distribute ceremonial or other similar items.

Conflict of Interest

Every Council member shall have regard to the provisions contained in the Municipal Conflict of Interest Act, R.S.O. 1990.

Financial Transactions

Every Council member must adhere to Municipal by-laws and policies regarding any municipal financial transaction.

Confidentiality

Every Council member must hold in strict confidence all information of a confidential nature acquired in the course of his or her term with the Municipality.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Ethics:

- i) To use confidential information which is not available to the general public and to which Members of Council have access by reason of his/her position with the Municipality to further his/her personal interests or the interests of others.
- ii) To disclose to unauthorized persons confidential information to which the Member of Council has access by reason of his/her position as a Member of Council with the Municipality.

Political Activity

Municipal Members of Council are to be allowed as great a measure of political rights as can be reconciled with the need to ensure the fact and appearance of impartiality in the performance of their duties with the Municipality as members of Council. The point at which any appropriate balance can be struck in any particular case depends primarily on the nature and level of the Council Member's responsibilities.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Ethics:

- To use the authority or influence of his/her position as a Municipal Council Member on behalf of a political party or candidate.

Public Comment

In accordance with the Municipality's Communications Policy, every member of Council shall display the reserve inherent in his/her position with the Municipality when publicly expressing his/her personal opinions on matters of political controversy or on existing or proposed municipal policy or administration. This policy is not intended to restrict the legitimate public comment of spokespersons of Council associations nor the public comment of Council members on matters of essentially a personal interest related to his/her position as a Council member with the Municipality of Hearst.

Without restricting the scope of this rule, the following shall be considered breaches of the Code of Ethics:

- To express publicly the member of Council's personal views on matters of political controversy or on municipal policy or administration where to do so would impair the public's confidence in that member of Council's ability to perform his/her official duties with integrity and impartiality, or impair the ability of Municipal Council or Administration to carry out its or their functions.
- Relations with the media shall be conducted as such that only factual and objective information related to policies adopted by Council shall be transmitted.

Communications and Media Relations

Members of Council will accurately and adequately communicate the attitudes and decisions of the Town of Hearst Council, even if they disagree with a majority decision of Council so that:

- i) There is respect for the decision making processes of Council
- ii) Official information related to decisions and resolutions made by Council will normally be communicated in the first instance to the community and the media in an official capacity by the Mayor or his/her designate.

Non-Compliance

Where a transgression of the Code of Ethics is deemed to have occurred in accordance with the provisions of the Municipal Act, Section 223.3(1), an Integrity Commissioner appointed by the Municipality responsible for performing in an independent manner, the functions assigned by the Municipality with respect to the application of the Code of Conduct for members of Council, may review the matter and make recommendation and / or a report to Council regarding the transgression.

The following measures may be instituted and applied to any member of Council under Section 223.4(5):

- i) a reprimand
- ii) suspension of the remuneration paid to the member in respect of his or her services as a member of Council or the local board, as the case may be, for a period of up to ninety (90) days, and / or,
- iii) censure including removal from appointed committees, Boards and / or liaison roles.

Integrity Officer Review Process

In the event of an alleged transgression of this Municipal Code of Ethics, Municipal Council shall appoint an Integrity Officer.

All complaints regarding alleged transgression of the Municipal Code of Ethics shall be made in writing to the attention of the Chief Administrative Officer/Clerk with specific inclusions as to the alleged transgression, when / where it is purported to have occurred, and how the alleged transgression is in contravention of the Municipal Code of Ethics.

The Chief Administrative Officer/Clerk shall forward all written complaints to the Integrity Officer for investigation and review. The Integrity Officer shall make recommendation and / or provide a report to Council regarding the alleged transgression for Council's consideration. Council shall render a decision regarding the Integrity Officer's recommendation(s). The decision regarding implementation of any recommended action by the Integrity Officer is at the sole discretion of Council with a simple majority vote in accordance with the Procedural By-law and said decision shall be final.

All matters regarding allegations of transgression of the Municipal Code of Ethics shall be subject to the provisions of Section 239 of the Municipal Act and direction shall be reported out in open Committee or Council as appropriate.

Signed by Mayor Roger Sigouin
Laflamme

Signed by CAO/Clerk Claude

Mayor

Chief Administrative Officer/Clerk

Adopted by By-law 89-09 on November 17, 2009.



Roles and Responsibilities of Council and Senior Management Policy

The Corporation of the Town of Hearst recognizes that defining clear operational and strategic roles for Council and senior management is an essential management practice.

Based on this direction, a working governance model was developed that is specifically designed for the Municipality of Hearst.

ROLE OF COUNCIL

Key Roles or Functions of Council

1. Establish and evaluate policies and programs that define the strategic priorities to be achieved, the parameters within which the Chief Administrative Officer/Clerk and staff are to operate and the processes and relations of Council.
2. Ensure that high quality municipal services and programs are provided in a cost-effective manner and determine which services the Municipality provides.
3. Balance the diverse values, aspirations, priorities and competing interests of the community.
4. Market and promote the Town of Hearst as a great place to live, work and vacation.
5. To ensure that administrative and controllership policies, practices and procedures are in place to implement the decisions of Council.
6. To maintain the financial integrity of the Municipality.
7. To carry out the duties of Council as defined in the Municipal Act or any other Act.
8. Understand and give proper consideration to legal requirements and recommendations of staff.
9. Act in a reasonable, just and non-discriminatory behavior in all aspects carrying out their roles and responsibilities.
10. Act in good faith and not for improper or ulterior motive.
11. Behave in a manner that maintains and enhances the image of Council and does not reflect adversely on the Council.
12. Follow guidelines as to the appropriateness of the acceptance of gifts and gratuities.
13. Be impartial in reaching Council decisions and acceptance of the responsibility associated with that decision.
14. Be honest and claim reasonable and fair reimbursement of expenses and usage of Council equipment for official purposes.
15. Appropriate and proper use of information, balancing the interests of the community against the rights of the individual.

16. Attendance and participation in Council meetings, apologizing or obtaining leave of absence in advance for non-attendance.
17. The proper consideration of the business of the Council and being informed on the matters for decision.
18. The fair and equitable treatment of all matters under consideration.
19. Respect for decisions of the Council.
20. Careful consideration to the allocation of resources and expenditures.
21. Council Members recognize that their mandate incorporates tasks to include:
 - Fairly representing the diversity of community views in developing an overall strategy for the future of the Municipality
 - Setting objectives and determining strategies to achieve Council's corporate objectives in a strategic plan
 - Achieving sound financial management, planning and accountability
 - Being aware of and conversant with the statutory obligations imposed on Council as a whole, as well as each individual member of Council.
22. Council members must be fair and honest in their dealings with individuals and organizations and behave in a manner that facilitates constructive communication between the Council and the community.

Key Objectives of Council

1. Council members must be courteous and demonstrate sensitive behavior that does not discriminate against people.
2. Council members must be aware and disclose of any situation that may create a tension between public and private roles.
3. Council members must show respect for electors' opinions and property.
4. Council members must prevent the misuse of their position to gain an advantage for themselves or others.
5. Council members are to recognize that an individual Council member has no authority to make decisions, to direct staff or to commit Council resources.

When representing in the community, Council will:

1. Provide an accurate and fair representation of Council decisions.
2. Recognize that Council members have a duty to respect Council decisions and policy directions.
3. Conduct themselves in a manner that will not reflect unfavorably on the Council.
4. Maintain mature and constructive working relationships based on mutual trust and respect.
5. Conduct the relationship with courtesy and respect.
6. Accept and respect their different but complementary roles.

With respect to objectives concerning employees or when dealing with employees, Council will:

1. Demonstrate respect for employees' professional roles, responsibilities, opinions and expertise.
2. Have an agreed communication process.
3. Prevent the misuse of their position to influence employees to gain an advantage for themselves or others.

Members will establish a working relationship with fellow members that recognizes and respects the diversity of opinions and achieves the best possible outcome for the community as set out below:

1. Conduct the relationship with courtesy and respect.
2. Maintain behavior that seeks to establish mature and constructive working relationship.
3. The right of all points of view to be heard.
4. Information obtained by a member of Council as a result of his or her role is not to be used for any purpose other than Council business.
5. Clear and concise guidelines for the making of public statements on behalf of the Council.
6. Recognition that in their relationships with the media, the member is putting forward personal views and not those of the Council unless the individual has been specifically authorized by the Council to convey a particular position to the media.
7. Personal comments being clearly identified.
8. Information given in relation to the Council or Council decisions should be accurate and not be a misuse of information.
9. Respect for and maintenance of confidentiality.

Information obtained by a member of Council in the course of his or her duties is respected and used in a careful and prudent manner.

COUNCIL TEAM VISION

The Municipality of the Town of Hearst serves the community through the provision of effective, responsible, and visionary leadership. The Council will:

- focus on achieving a common vision and goals for the Municipality;
- make sound, effective and timely decisions based upon objective data and open debate of issues;
- develop and maintain a climate where integrity, mutual support, trust and professionalism are valued;
- utilize the diverse knowledge, expertise and talents of all Council members to optimal advantage;
- conduct its activities in an orderly, professional and businesslike manner;

- benefit from strong and effective leadership from the Mayor and individual Council members;
- value collegiality, teamwork and sense of humour;
- enjoy the benefits of effective communication and open sharing of information among its members;
- balance effective diverse values, aspirations and competing interests within the community; and
- work effectively in partnership with a capable executive and staff to provide excellent service to residents and customers.

COUNCIL MEMBER COMMITMENTS

Priority Setting and Decision-making

Council will utilize a strategic management approach to set directions for the Municipality. This will involve:

1. Environmental scanning to identify major internal and external issues and developments likely to impact the Municipality's operating environment.
2. Public, community and staff input processes to identify emerging issues and concerns.
3. Annual Council/Senior Management planning sessions to establish strategic priorities and related key results and strategies.
4. Development of a strategic plan and the allocation of resources to support its implementation.
5. Ongoing monitoring or implementation to ensure continued relevance and make mid-course corrections as a result of unforeseen circumstances.
6. Assessment of progress made against established key results or performance measures.

Council members will use rational, objective decision-making processes that are supported by appropriate research of options, administrative recommendations, external resources, if required, and a thorough review of implications.

Decisions will be made in a timely fashion with due consideration being given to the impact of the decision on the Municipality as a whole.

Diverse opinions, views and creative ideas will be considered and evaluated as part of the decision-making process.

COMMUNICATIONS WITH THE MEDIA AND THE PUBLIC

1. Open and thorough public debate of major issues will be encouraged – “no muzzles”.
2. Council members will be honest and respectful of each other in their communications with the public and the media.
3. Council members will stay focuses on issues when making public statements and issuing media releases.
4. Council members will avoid public statements that damage the reputation of Council or another Council member.

5. “Bad news” or failures will be dealt with in a forthright manner that includes identifying the problem, communicating the corrective action to be taken and resisting the temptation to ascribe blame.
6. Council members will give their colleagues prior notice regarding the content and timing of any planned media releases.
7. For major issues, Council will attempt to reach collective agreement on the common themes to be communicated.
8. A designated media spokesman for the Council on major policy issues will be established (e.g. formal press releases on major policy decision taken by Council will be issued from the Mayor or designate in conjunction with the Chief Administrative Officer/Clerk or designate).
9. Council members will attempt to communicate a sense of Council Team, share credit for successes and position Council and the Corporation positively.
10. Confidential and privileged information will not be disclosed.

Once Council makes a decision, Council members will respect the legitimacy of the decision and not attempt to undermine its implementation.

COUNCIL MEMBER RELATIONSHIPS – RESOLVING CONFLICTS

1. Council members will deal with conflicts and issues in a timely and focused manner, i.e. significant conflicts and problems will not be ignored.
2. Council members will respect each other’s time and honour commitments made.
3. Council members will listen, not just react. Creation of a “shared feeling of a fair hearing” for all parties will be a priority.
4. All Council members will have equal access to available information relevant to the issue of decision.
5. Council members will embrace and encourage constructive disagreement and discussion while avoiding and discouraging destructive conflict.
6. Resolution of conflicts and disagreements will include an assessment of the objectives to be achieved, open discussion of diverse views, additional research and professional advice as appropriate and a focus on doing what is in the best interests of the Municipality.
7. Council members will make reasonable attempts to build consensus on issues, and failing that, they will respect the majority vote of Council.

RELATIONSHIPS WITH ADMINISTRATION AND STAFF

1. The policy development role of Council and operational and implementation role of Administration will be respected.
2. Council members will not attempt to direct the activities of staff or departments except through established channels of authority.
3. Staff skills, expertise and contributions to the Municipality will be recognized and appreciated.

4. Council members will direct any criticisms of staff through the Chief Administrative Officer/Clerk and refrain from criticizing staff in public or to the media.

Council will measure its success against pre-established indicators including:

1. Levels of satisfaction with municipal services and programs.
2. Ability to resolved emerging issues and challenges.
3. Quality of fiscal stewardship as measured by adherence to financial plans and targets, economic development and growth statistics.
4. How Council and the Municipality are perceived by business, development industry, residents and other levels of government.
5. Ability to influence policy decisions through effective representation on important regional and provincial committees, institutions and leadership initiatives.
6. Comparison of performance with other municipalities on key benchmarks.
7. Council will review its performance periodically in relation to its Council team vision and commitments.

SENIOR MANAGEMENT ROLE

Directing and Leading:

Inspires, motivates and communicates a direction and vision for the organization.

Planning:

Responsible for assisting Council with the development of a strategic plan as well as operational planning and budget development.

Organizing:

Organize an internal structure and process to deliver the organization's services.

Staffing:

Recruiting, deploying, supervising, compensating, developing, reprimanding and terminating staff.

Controlling:

Monitors, measures and adjusts in accordance with the strategic plan, controls the expenditure of the current budget.

General:

Or as otherwise defined by legislation, by-law and/or contract, as applicable.

SENIOR MANAGEMENT EXPECTATIONS OF COUNCIL

The Chief Administrative Officer/Clerk and Senior Management Staff have the right to expect the following from Council:

1. Clear expectations, strategic directions and policy.
2. Clearly defined operational role – adequate authority and freedom to manage the day-to-day operations of the Municipality.
3. Support for reasonable decisions made by the Chief Administrative Officer/Clerk and Senior Management.

4. Timely information regarding emerging issues and community concerns.
5. Acceptance that staff recommendations may not reflect the political preferences of some Council members.

COUNCIL/SENIOR MANAGEMENT RELATIONSHIP

Council has a right to expect the following from the Senior Management:

1. Vision, leadership, administrative competence and political sensitivity.
2. A focus on creating a strong Council/Executive Team.
3. Accountability, including effective and timely monitoring and reporting with respect to finances, major activities and results.
4. Recognition that Council may not accept a recommendation for political reasons and understanding that this should not be taken as a negative reflection on administration.

Mayor

Chief Administrative Officer/Clerk

Adopted by By-law 89-09 on November 17, 2009